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**From:** Michael Morabito  
**To:** Vancouver Case Managers & Team Leaders  
**Date:** 2/2/2016 9:31 AM  
**Subject:** Fwd: MT241 - URGENT Support Role - DUE TODAY  
**Attachments:** VANCOUVR-2624029.DOCX.DRF; https! Read Only-waVwO192-21874642\_1.DOCX

Hi - we have been asked today to update the attached List of Key Active Cases in BC for the Minister's Trip to BC. Can you please **by 1pm Vancouver time today** update directly in the CIDMs document any BC key active cases.

I think Lax Kwalaams, Ignace, Musqueam and Rio Tinto Alcan are all missing and should be added. I believe that Chartrand, Waters Edge and Tzeachten can all be removed.

Michael

>>> Feroza Pirmohamed 2/2/2016 8:53 AM >>>  
Morning Jacquie,

See attached URGENT request for the Minister's trip.

Please provide DG-approved support to BC region (Melissa Cernigoy) on the Meeting with UBCIC. See ToC for details.

Who should I forward this to?

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## LIST OF KEY ACTIVE CASES IN BRITISH COLUMBIA

Updated as of June 1, 2017

| CASE  | CASE SUMMARY  | CURRENT STATUS  | NEXT STEPS  |
|---|---|---|---|
| <p><i>Assembly of First Nations/First Nations Child and Family Caring Society of Canada</i></p> <p>Canadian Human Rights Tribunal</p>                 | <p>In February 2007, the AFN and the First Nations Child and Family Caring Society of Canada filed a complaint with the Canadian Human Rights Commission alleging that the inequitable funding for the provision of child and family services on-reserve constitutes systemic and ongoing discrimination on the basis of race, national or ethnic origin under the <i>Canadian Human Rights Act</i>.</p> <p>Decision released January 26, 2016.</p> | <p>On May 24, 2017, the Tribunal released its ruling with respect to Jordan's Principle (JP) finding that Canada continues to apply a narrow definition to JP that is not sufficiently responsive to, and in full compliance with, the previous orders regarding the implementation of the full meaning and scope of JP. Canada was ordered to track and collect data on JP cases. Canada was also ordered to consult with the Commission, complainants and the interested parties on public education regarding child welfare program reform as it relates to JP.</p>  | <p>INAC, Health Canada and Justice are considering options for appropriate next steps.</p>        |
| <p><i>Akisq'nuk First Nation v. HMTQ (Madias-Tatley)</i></p> <p>Specific Claims Tribunal</p> <p>(Federal Court of Appeal – under Judicial Review)</p> | <p>The Akisq'nuk First Nation alleges that Canada breached its fiduciary duty and legal obligation to complete the reserve creation process that resulted in the First Nation's loss of reserve land entitlement to a 3040 acre parcel within the boundaries of Block 4596, Group 1, Kootenay District, ("Madias Tatley Land").</p>   | <p>On February 5, 2016, the Specific Claims Tribunal issued a decision in favour of the First Nation, finding that Canada breached fiduciary duties to the First Nation by not correcting a survey error and by not pursuing the recommendation of the McKenna-McBride Commission to add approximately 3000 acres to the First Nation's reserve base.</p> <p>On March 7, 2016, Canada filed with the Federal Court of Appeal an Application for Judicial Review of the Specific Claims Tribunal's decision.</p> <p>The hearing of Canada's Judicial Review was heard on May 16, 2017, at Federal Court of Appeal.</p> | <p>The Decision was reserved.</p>   |
| <p><i>Andrews (Canadian Human Rights Tribunal)</i></p>  | <p>The Canadian Human Rights Commission has filed a Judicial Review Application of the Canadian Human Rights Tribunal's</p>   | <p>On both the <i>Andrews</i> and <i>Matson</i> Human Rights challenges, the Canadian Human Rights</p>  | <p>The Canadian Human Rights Commission filed their Notice of Appeal on May 1, 2017 and their</p> |

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| <p><i>Matson (Canadian Human Rights Tribunal)</i></p> <p>Supreme Court of Canada (leave application)</p>                                     | <p>decision to dismiss the complaints filed by Roger William Andrews. Roger William Andrews sought to have himself and his daughter, Michelle Dominique Andrews registered under section 6(1) of the <i>Indian Act</i>. He claimed discrimination based on race, national or ethnic origin and family status. He challenged the second generation cut-off issue as well as his father's enfranchisement in 1957.</p> <p>The Canadian Human Rights Commission filed an application for Judicial Review of the Canadian Human Rights Tribunal decision in <i>Matson</i> which deemed that the Tribunal did not have jurisdiction to hear the challenge to the registration provisions of the <i>Indian Act</i> as it was not a service as defined by the <i>Canadian Human Rights Act</i>. Filed in 2008, the <i>Matson</i> complaint is brought by siblings (Jeremy Matson, Melody Schneider and Mardy Matson) challenging the registration provisions of the <i>Indian Act</i> and their inability to transmit Indian status to their descendants as discriminatory under the <i>Canadian Human Rights Act</i>, based on sex and family status.</p> <p>---</p> <p>Jeremy Matson has also filed a complaint before the Convention on the Elimination of All Forms of Discrimination against Women that alleges discrimination by the Government of Canada in respect of the rules governing status under the <i>Indian Act</i>. Canada has responded. The claim has not been assessed yet.</p> | <p>Tribunal ruled that the Tribunal did not have jurisdiction to hear the challenges to the registration provisions of the <i>Indian Act</i> as it was not a service as defined by the <i>Canadian Human Rights Act</i>.</p> <p>The Canadian Human Rights Commission filed Judicial Review applications challenging the Tribunal's decisions</p> <p>The Federal Court heard the Judicial Review applications for both <i>Andrews</i> and <i>Matson</i> complaints on August 28, 2014 and dismissed the Applications for Judicial Review on March 30, 2015. The Canadian Human Rights Commission appealed to the Federal Court of Appeal. Appeal hearing occurred January 27, 2016. The appeal was dismissed without costs on July 21, 2016.</p> <p>The CHRC sought leave to appeal the decision of the Federal Court of Appeal to the Supreme Court of Canada (SCC).</p> <p>On March 30, 2017, the SCC granted the application to seek leave to appeal the Federal Court of Appeal's decision without costs.</p> | <p>Factum is due on June 26, 2017.</p> <p>Canada's response Factum is due 8 weeks later (August 21, 2017).</p> <p>SCC Hearing date tentatively set: November 28, 2017</p> |
| <p><i>Atlantic Waste Systems v. Attorney General of Canada and Optimal Collections and Tracing Services Ltd.</i></p> <p>BC Supreme Court</p> | <p>Atlantic Waste operated a landfill on Kwantlen IR # 5 (near Maple Ridge) since 1994. Canada terminated the lease on February 1, 2011 due to ongoing breaches to the environmental provisions of the lease.</p> <p>Atlantic Waste sued Canada for wrongful termination of the lease. Canada counterclaimed against Atlantic Waste to recover its remediation costs.</p> <p>Canada later added Atlantic Waste's president and director</p>   | <p>Canada filed a Consent Dismissal Order as against Hemmera on May 31, 2017.</p>  | <p>Respond to court deadlines as required.</p>  |

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|   | Brent Mann, and its environmental consultant Hemmera Envirochem Inc.   |  |   |
| <i>Bosa v. Canada and the Songhees Nation</i><br>Federal Court  | The Plaintiffs filed a statement of claim against Canada and the Songhees Nation seeking to have the rent notice sent by Songhees Nation declared invalid, and alternatively, a court order to determine the annual basic rent payable for the five-year period commencing March 18, 2016 and ending March 17, 2021 regarding lands leased on the Songhees Reserve. The Songhees Nation is a signatory to the Framework Agreement on First Nation Land Management, and has been managing reserve lands under its own land code since October 2011.   | This claim was filed on August 5, 2016.<br><br>Canada filed its defence on September 19, 2017.   | A judicial dispute resolution conference has been scheduled for September 18, 2017. |
| <i>Coldwater</i><br>Federal Court of Appeal   | On January 27, 2015 Coldwater Indian Band filed an application for a judicial review of a decision by the Minister of Indian Affairs and Northern Development to consent to the assignment of one pipeline easement on the Coldwater Indian Reserve No. 1.<br><br>The main issue is whether the Minister had an obligation to act solely in the interest of the Coldwater Indian Band by refusing his consent and having consented failed in his duty.<br><br>This Judicial Review concerns only the assignment of an existing pipeline easement, it does not involve the proposed expansion or "twinning" of the Trans Mountain pipeline.<br><br>The Federal Court dismissed the Judicial Review on May 30, and the Band filed a Notice of Appeal on June 14, 2016. | The appeal hearing has been scheduled for June 20, 2017 at the Federal Court of Appeal in Vancouver.   | Await the June 20, 2017 appeal hearing.   |
| <i>Cowichan - Tl'uq̓tinus Lands</i><br>"Aboriginal rights and Title" case<br>British Columbia Supreme Court | Department of Transport, Fisheries and Oceans Canada, and INAC are all involved in this case. This case is related to the "Reserve Creation" case directly below. The Cowichan Tribes have filed a new claim for aboriginal title against Canada, British Columbia and the City of Richmond. The plaintiffs are seeking various declarations relating to their asserted aboriginal rights and title to the Lands of Tl'uq̓tinus.<br><br>The Vancouver Fraser Port Authority, the Musqueam Indian   | Canada filed a Notice of Application for an order that the Plaintiffs, or alternatively the province of BC, provide notice of the litigation to private landowners with fee simple interests in the claimed area on April 6, 2017. Canada's application was heard on May 11-12, and the decision was reserved. | Await the court's decision on Canada's application re notice to private landowners. |

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|  | Band, and the Tsawwassen First Nation have been added as defendants.   |  |                                 |
| <p><i>Cowichan - Tl'uq̓tinus Lands "Reserve Creation" case</i></p> <p>British Columbia Supreme Court</p> | <p>Department of Transport and INAC are co-lead on this case. This case is related to the "Aboriginal Rights and Title" case directly above. The Cowichan Tribes commenced an action in British Columbia Supreme Court on July 19, 2013 against Canada and British Columbia seeking a declaration that both governments breached their pre-Confederation and post-Confederation fiduciary duties to the Cowichan by failing to create an Indian reserve for the band on the south (main) arm of the lower Fraser River at the south shore of Lulu Island (lands at Tl'uq̓tinus). In the alternative, they seek a declaration that Canada and British Columbia breached ongoing constitutional obligations pursuant to Article 13 of the British Columbia Terms of Union to rectify the Crown's original failure to complete the creation of the reserve in accordance with the honour of the Crown. They seek a declaration that Canada holds the federally owned portion of the lands at Tl'uq̓tinus (Federal Tl'uq̓tinus Lands) as a constructive trustee for the Cowichan, and that they are entitled to possession of the lands, as compensation for the breaches of fiduciary duty or constitutional obligation. The lands in question are located in the City of Richmond, British Columbia (within Metro Vancouver) and total approximately 1100 acres. According to the claim, Canada acquired the fee simple interest in approximately 694 acres of the lands in question (which they describe as the Federal Tl'uq̓tinus Lands) between 1968 and 1987, and it subsequently allocated management of these federal lands to the Vancouver Fraser Port Authority.</p> | This case is currently dormant.                                  | This case is currently dormant. |
| <p><i>Esquimalt (Aboriginal Title)</i></p> <p>British Columbia Supreme Court.</p>                        | <p>On February 9, 2016, the Esquimalt Nation filed an action in BC Supreme Court seeking a declaration that the Lekwungen hold unextinguished Aboriginal title to specific areas in Esquimalt including the Esquimalt Nation reserve, the adjacent seafloor, Inskip Island and a portion of the Canadian Forces Base Esquimalt called Work Point Barracks. The</p>   | <p>Canada's Response to Civil Claim was filed June 30, 2016.</p> | <p>Document discovery.</p>      |

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|   | Esquimalt Nation also seek an order for possession of the claim area and a declaration that Canada has in the past and continues to unlawfully and unjustifiably infringe on Aboriginal title in these areas.  |  |   |
| <i>Gitanyow / Malii</i><br>British Columbia Supreme Court | The Plaintiffs assert a claim for aboriginal rights and title affirmed in s.35 of the <i>Constitution Act, 1982</i> and seek various declarations and relief, including an order for general, aggravated and punitive damages. This was previously filed in 2003 as a protective writ.   | The plaintiffs filed an amended notice of civil claim on April 4, 2016.<br>Canada filed a response to civil claim on August 5, 2016.<br>The plaintiffs filed a reply on November 30, 2016.   | Respond to any court deadlines as required. |
| <i>Gottfriedson</i><br>Federal Court Trial Division       | This is a class action filed by the Secwepemc and Sechelt Indian Bands with regard to day students who attended classes at a residential school. The class action suit seeks compensation for the day students, their descendants and bands for cultural, linguistic and social damages.   | The Minister's Special Representative, Thomas Isaac, was appointed to engage in exploratory discussions with the Plaintiffs.   | The exploratory discussions are ongoing.    |
| <i>Haida</i><br>British Columbia Supreme Court            | The Haida claim Aboriginal rights and title to Haida Gwaii. The case was in abeyance (since December of 2008), which provided time for the deposition of Haida elders. In February 2012 the Haida gave notice to terminate the Abeyance, and in June, 2012 the Abeyance terminated. No litigation activity occurred until the plaintiffs filed an Amended Notice of Civil Claim on February 6, 2016. Canada filed its Amended Response to Civil Claim on November 10, 2016.<br><br>This multi-department litigation involves INAC, Department of Fisheries, Transport Canada, National Defence, Global Affairs, Natural Resources Canada, Environment, and Parks Canada. | A Case Management Conference was held on April 24, 2017.   | Respond to court deadlines as required.     |
| <i>Hwlitsum</i><br>British Columbia Court of Appeal       | The Hwlitsum First Nation has filed a claim for aboriginal title against, inter alia, Canada, British Columbia, and the City of Vancouver. The plaintiffs are seeking aboriginal title to large portions of southern Vancouver Island, the Gulf Islands, and the Lower Mainland. The Tsawwassen First Nation, Penelakut Tribes, and Musqueam Indian Band were later added as defendants.   | Canada's Notice of Application to strike the plaintiffs' Civil Claim because the plaintiffs do not have standing to bring the action as a representative proceeding was granted on March 24, 2017. Hwlitsum filed a Notice of Appeal on April 7, 2017. | Respond to court deadlines as required.     |

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| Hul'qumi'num Treaty Group<br>Inter-American Commission on Human Rights      | In 2007, the Hul'qumi'num Treaty Group filed a petition before the Inter-American Commission on Human Rights. The Hul'qumi'num alleges that Canada has violated their rights to property, culture, religious freedom, equality and fair trial by alienating most of their claimed traditional territory to private land owners, and allowing the development of their land without proper consultation and compensation. The petition further asserts that the British Columbia Treaty Process and the Canadian judicial system are ineffective mechanisms for resolving their claim.  | The decision from the Inter-American Commission on Human Rights is pending.   | Awaiting the decision from the Inter-American Commission on Human Rights. |
| Huu-ay-aht<br>Specific Claims Tribunal                                      | On November 18, 2011, the Huu-ay-aht First Nation filed a claim with the Specific Claims Tribunal alleging that Canada mismanaged the administration of timber on Numukamis Indian Reserve No.1 in the 1940s by failing to terminate a long-term timber licence in 1948.   | On December 12, 2016, the Specific Claims Tribunal awarded \$13,884,000 to the Huu-ay-aht First Nations in compensation for \$207,000 they should have received from selling their timber in 1948.<br><br>Canada has decided to seek judicial review of the Tribunal's decision by the Federal Court of Appeal. | Await the outcome of the JR hearing                                       |
| Ignace<br>British Columbia Supreme Court                                    | The Stk'emlupsemc of the Secwepemc Nation, a group that represents the Skeetchestn First Nation and Tk'emlúps te Secwepemc, seeks a declaration of Aboriginal rights and title in relation to part of its traditional territory, damages in respect of unjust infringements of those Aboriginal rights and title, and interim and permanent injunctions preventing activities in relation to a project known as the Ajax Mine. The proposed copper and gold mine is located southwest of Kamloops, BC. Although the claim specifically refers to the lands around Jacko Lake, the Aboriginal title claim includes a much larger area that includes the City of Kamloops. This is a multi-departmental case (INAC, DFO, NRCAN, and CEAA). | The Attorney General of British Columbia and KGHM Ajax Mining Inc. each filed a Response to Civil Claim on January 15, 2016. Canada filed a Response to Civil Claim on March 16, 2016.<br><br>On October 18, 2016, the Plaintiff filed an Amended Notice of Civil Claim.  | Respond to court deadlines as required.                                   |
| Kitselas First Nation (Specific Claims Tribunal)<br>Federal Court of Appeal | The Kitselas First Nation alleges that a 9.5 acre portion of land that should have been included by Commissioner O'Reilly in 1891 was unlawfully excluded from the allotment of Kitselas Indian Reserve #1.  | On February 19, 2013, the Specific Claims Tribunal held that Canada breached a fiduciary duty to the Kitselas First Nation in 1891 by excluding lands from one of their reserves during the process of reserve allotment. The   | Canada and the First Nation are working towards settlement.               |



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|  |   | <p>decision reached conclusions contrary to the positions taken by Canada in several other claims dealing with similar issues.</p> <p>On March 21, 2013, Canada filed a Judicial Review with the Federal Court of Appeal to appeal the Tribunal decision. Both the Union of British Columbia Indian Chiefs and Specific Claims Tribunal intervened in this matter.</p> <p>The Federal Court of Appeal heard this matter on April 7-8, 2014. On June 5, 2014, the Federal Court of Appeal released its decision, and unanimously dismissed Canada's judicial review application. The Court agreed with the Tribunal's decision, finding that it was both reasonable in its determination of fact, and correct in its analysis of the law.</p> |   |
| <p><i>Ktunaxa (Jumbo Glacier)</i><br/>Supreme Court of Canada</p>                | <p>Canada is an intervener in this appeal before the Supreme Court of Canada.</p> <p>This appeal arises from a judicial review brought by the Ktunaxa Nation Council challenging the British Columbia Minister of Forests, Lands and Natural Resource Operations' approval of the development of a ski resort (i.e., Jumbo Glacier) near Invermere, British Columbia.</p> | <p>The First Nation's appeal is centered on the section 2(a) <i>Charter</i> right to freedom of religion. Thirteen other groups intervened in the appeal including the Province of Saskatchewan, Indigenous and religious groups, and the Canadian Chamber of Commerce.</p> <p>The Supreme Court of Canada heard the appeal on December 1, 2016.</p>   | <p>Await the Supreme Court of Canada decision.</p>  |
| <p><i>Lake Babine (Specific Claims Tribunal)</i><br/>Federal Court of Appeal</p> | <p>The Lake Babine Nation claims Canada failed to meet its fiduciary obligations to complete the reserve creation process by not including lands south of the Fulton River in its allotment.</p>  | <p>On October 19, 2015, the Specific Claims Tribunal found that Canada did not breach a legal obligation owed to the First Nation and that the First Nation failed to establish a valid claim under the SCTA. The Claimants filed an application for Judicial Review with the Federal Court of Appeal on November 18, 2015.</p>  | <p>Canada has accepted the First Nation's proposal that they discontinue their judicial review without costs. Counsel for the parties are finalizing a report to the Court of Appeal.</p> |
| <p><i>Mowachaht/Muchalaht</i><br/>British Columbia Supreme Court</p>             | <p>Mowachaht/Muchalaht First Nation allege that Canada dispossessed it of its right to use and occupy San Rafael Island as reserve lands by illegally removing the Island from</p>  | <p>The lawsuit was served on Canada on May 16, 2017.</p>   | <p>Respond to any court deadlines as required.</p>  |

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|   | reserve status in 1910 and transferring it to DFO to be used as a site for a lighthouse.  |   |   |
| <i>Musqueam</i><br>Federal Court Trial Division   | This claim concerns the determination of the annual "fair rent" to be paid by each of the Plaintiffs (Leaseholders) to the Musqueam Indian Band under their respective leases for each of the 62 lots located on the Musqueam Indian Reserve in BC. The claim was filed after the Musqueam Band and the leaseholders failed to reach a negotiated agreement on the rent for the land.   | During December 5-16, 2016, the Federal Court heard expert appraisal evidence from the leaseholders and Musqueam Indian Band. Final oral arguments were heard from February 6-8, 2017. The Court reserved its decision.<br><br>On May 18, 2017, the Federal Court released its decision in the Musqueam rent review case. | The deadline for any party to file a notice of appeal is June 19, 2017. |
| <i>Nuchatlaht</i><br>B.C. Supreme Court   | The Nuchatlaht claim that British Columbia and Canada have unjustifiably breached their constitutional duties in respect of the aboriginal title of the Claim Area. The Claim Area is located on Nootka Island, which is located off the west coast of Vancouver Island near Tahsis, BC. They are seeking declarations of Aboriginal title and a declaration that the provincial Forest Act and Park Act unjustifiably infringes their title. | The claim was filed on January 20, 2017 in BC Supreme Court.<br><br>Canada filed a Response to Civil Claim on May 1, 2017.  | Document production.  |
| <i>Okanagan Indian Band v. Attorney General of Canada</i><br>B.C. Supreme Court   | The Department of National Defence is the lead on this file.<br><br>Between 1939 and 1990, the Department of National Defence used thousands of acres of Okanagan Indian Reserve No. 1 for military training exercises, under various leases issued by INAC. The plaintiff alleges that DND did not properly remove unexploded munitions.   | A Notice of Civil Claim was filed on October 4, 2016 in BC Supreme Court. Canada filed its Response on February 7, 2017.  | Document production.  |
| <i>Quaaout IR1 Rent Reviews (Little Shuswap)</i><br>Federal Court   | These files are challenges of Little Shuswap Lake cottage lot rent increases. Canada is defending 8 related challenges for lots on Quaaout IR 1. All the plaintiff lessees are self-represented.  | The parties have resolved this matter.  | Finalize the court documents required to resolve this matter.           |
| <i>Saik'uz First Nation and the Stel'ten First Nation v Rio Tinto (Alcan)</i><br><br>"Aboriginal rights and Title" case | The Kenney Dam is a hydroelectric dam constructed in the early 1950's by Rio Tinto (formerly Alcan) on the Nechako River, in northwestern British Columbia. The First Nations' claim that this diversion of the Nechako River creates an ongoing nuisance and interference with proprietary and riparian rights, including s. 35 rights. The plaintiffs seek injunctions and costs.   | On August 12, 2016 the British Columbia Supreme Court ruled that the federal and provincial Crown be added as defendants. Canada and BC filed their Responses January 20, 2017.   | The Court has set the trial date for September 9, 2019.                 |

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| British Columbia Supreme Court  | This is multi-departmental case involving: INAC, Department of Fisheries, Natural Resources Canada and Environment Canada.   |   |  |
| <i>Sarah Tanchak v. Her Majesty the Queen in Right of British Columbia and Attorney General of Canada</i><br>British Columbia Supreme Court | The Plaintiff claims that the Crown is liable and vicariously liable for all acts and omissions that occurred as a result of the Adopt Indian Metis (AIM) program, including but not limited to, cultural malfeasance, physical abuse, sexual assault, battery, neglect, and misfeasance of public officials acting on behalf of the Crown.  | Plaintiffs' counsel have chosen to focus on resolving carriage rather than engaging in the pan-Canadian resolution discussions. | Carriage motion will be heard on June 21, 2017. Once carriage is determined, a timeline is expected to be set for the certification hearing. |
| <i>Sharon Russell v. Attorney General of Canada</i><br>British Columbia Supreme Court   | Filed in May 2011, this claim concerns the practice of removing Aboriginal children from their families and communities and placing them in the care of non-Aboriginal foster or adoptive homes. The Plaintiff alleges that beginning in 1962 Canada delegated Indian child welfare services to BC Child Welfare and, in doing so, caused ongoing harm to Indian children in care by not taking steps to prevent them from losing their Aboriginal identity and the opportunity to exercise their Aboriginal and treaty rights.            | Plaintiffs' counsel have chosen to focus on resolving carriage rather than engaging in the pan-Canadian resolution discussions. | Carriage motion will be heard on June 21, 2017. Once carriage is determined, a timeline is expected to be set for the certification hearing. |
| <i>Shxw'owhámel First Nation (Shane James et al) Aboriginal Rights and Title case</i><br>British Columbia Supreme Court                     | The Shxw'owhámel First Nation has launched a claim against the Province of British Columbia and Canada seeking declarations of Aboriginal title, rights and interests in relation to parts of its alleged Traditional Territory, along with damages in relation to the operation of the Fraser River Debris Trap. Shxw'owhámel has named Emergency Management BC, BC and Canada as defendants for their respective roles in the operations of the Debris Trap. This is a multi-departmental case involving Transport Canada, INAC and DFO. | Canada filed its Response to the Notice of Civil Claim on March 15, 2017.   | Respond to court deadlines as required.  |
| <i>Snaw-Naw-As</i><br>British Columbia Supreme Court  | The Snaw-Naw-As (previously Nanoose) First Nation seeks return of lands that were taken for railway purposes, initially by the E & N railway. The lands were later transferred to Canadian Pacific Railway and most recently, the Island Corridor Foundation. The Snaw-Naw-As First Nation says the lands are no longer being used for railway purposes and asks for the right of way lands to revert to Canada as reserve   | Canada's Response was filed on April 29, 2016. The Island Corridor Foundation filed its response on February 26, 2016.          | Document production.   |

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|   | lands for the use and benefit of the First Nation. This case involves both Transport Canada and INAC.  |  |   |
| <i>Songhees / Chief Robert Sam Esquimalt/Chief Seenupin</i><br><br>British Columbia Supreme Court | In November 2009 Songhees First Nation commenced litigation against Canada and British Columbia. The Plaintiffs allege that Songhees First Nation is one of the beneficiaries under the Chekonein Treaty (Douglas Treaty) and that British Columbia and Canada failed to set aside their village site near Cadboro Bay for them in accordance with the Treaty. In 2012 the Esquimalt Nation commenced similar litigation. The claims are to be heard together. |  |   |
| <i>Spookw</i><br><br>British Columbia Supreme Court (trial) / Court of Appeal (appeal of motion)  | The Plaintiffs in this action seek to halt the treaty negotiations between the Gitksan Treaty Society, British Columbia and Canada. The Plaintiffs allege the Society does not accurately represent the Gitksan people.  | Canada, British Columbia and Gitksan Treaty Society's motions to strike the claim were heard December 3 - 13, 2013.<br><br>On June 18, 2014 the British Columbia Supreme Court released its decision. The Court granted the motions to strike filed by Canada, British Columbia and the Society, and dismissed the case in its entirety.<br><br>On July 17, 2014, the Plaintiffs filed a Notice of Appeal with the British Columbia Court of Appeal seeking to appeal the decision. The appeal hearing was held on September 12 and 13, 2016.<br><br>On January 12, 2017 Justice Harris (concurring by Justice Goepel and Justice Savage) of the BC Court of Appeal confirmed the dismissal of the plaintiffs' claims against Canada and the other defendants. | Respond to any court deadlines as required. |
| <i>Sts'ailes (Chief Harvey Paul) Aboriginal rights and Title case</i>                             | This was originally filed in 2003 as a protective writ and was amended in June 2016 as a Notice of Civil Claim. The  | Responding to court deadlines as required.   | Respond to court deadlines as required.     |

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| British Columbia Supreme Court   | <p>Plaintiffs seek a declaration of Aboriginal Title and Rights over a claim area in Southwestern BC (Harrison Lake and Lower Lillooet River watersheds and a portion of the Fraser River, and including Harrison Hot Springs and Agassiz). The Plaintiffs claim various infringements of their rights and title.</p> <p>The Plaintiffs claim virtually identical infringements of rights and title to the Harrison-Chehalis Terminal Fishery Management Area, which lays within the larger claim area. This is a multidepartmental case involving INAC, DFO and Agriculture and Agri-Food Canada (AAFC)</p>   |  |  |
| <p><i>Taseko Mines v. AGC and Canadian Environmental Assessment Agency</i></p> <p>British Columbia Supreme Court</p> | <p>In their Notice of Civil Claim Taseko Mines alleges that the Crown owed Taseko a duty of care to deal fairly and openly with Taseko.</p> <p>The Notice alleges that "Aboriginal Interested Parties" submitted information to the Minister of the Environment and Minister responsible for the Canadian Environmental Assessment Agency for her consideration in rendering a decision under the <i>Canadian Environmental Assessment Act</i>. Taseko claims it was never provided a copy of this information, nor did it have the opportunity to respond. Relief sought is unspecified general damages, punitive damages, interest, costs and other relief which the Court may deem appropriate.</p> <p>This is a multi-departmental case involving: CEAA / Environment Canada, NRCAN, DFO and INAC.</p> | <p>The Crown's response to the Notice of Civil Claim was filed on April 15, 2016.</p> <p>No trial date has been set.</p> | <p>The litigation is currently dormant.</p>                |
| <p><i>Tk'emlups</i></p> <p>British Columbia Supreme Court</p>  | <p>The Tk'emlups Indian Band (aka Kamloops Indian Band) are alleging that Kamloops Indian Reserve #1 was originally allotted as a much larger reserve which was later unlawfully reduced. They seek the return of that land or compensation for the loss.</p>  |  |  |
| <p><i>Tobacco Plains</i></p> <p>Specific Claims Tribunal</p>   | <p>The Tobacco Plains Indian Band filed this claim on April 29, 2014. The Band alleges that Canada breached statutory and legal obligations in relation to the expropriation of 2.97 acres of land and water resources for the Roosville Customs House</p>   | <p>A hearing regarding the validity of this claim was held from May 29-31, 2017.</p>                                     | <p>Await the decision of the Specific Claims Tribunal.</p> |

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|---|--|--|---|
|   | on Tobacco Plains Indian Reserve No. 2 in 1915.  |  |   |
| <i>Trans Mountain Pipeline Expansion Project JRs</i><br><br>Federal Court of Appeal | Four Judicial Reviews (by four First Nations) were filed challenging the NEB Report recommending that the Governor in Council approve the Trans Mountain Pipeline Expansion Project. In addition, applications for leave for Judicial Review were filed by six indigenous groups challenging the Governor in Council's issuance of an Order in Council (OIC) approving the Project.<br><br>NRCan is the lead federal department in this multi-department litigation.   | The Federal Court of Appeal heard the leave to Judicial Review applications.   | Await the Federal Court of Appeal decision on the leave to Judicial Review applications.                                |
| <i>Williams Lake (Specific Claims Tribunal)</i><br><br>Supreme Court of Canada      | The Williams Lake Indian Band traditionally occupied settlements in the area in and around what is now the City of Williams Lake.<br><br>The Band claims that Canada breached pre-Confederation and post-Confederation lawful obligations by allowing village sites to be pre-empted by settlers in contravention of colonial statutes and by failing to rectify the breach during the post-confederation reserve allotment process.   | On February 28, 2014, the Tribunal found that Canada was liable for statutory and fiduciary breaches by the Colonial Crown and for post-Confederation acts or omissions under s.14(1)(b) and 14(1)(c) of the <i>Specific Claims Tribunal Act</i> .<br><br>On February 29, 2016 the Federal Court of Appeal set aside the Tribunal's decision and found that Canada did not breach any legal obligations and that Canada is not liable for any possible breaches of legal obligations by the colony of British Columbia.<br><br>The Claimant filed an application for leave to appeal to the Supreme Court of Canada which was granted on October 13, 2016. | The Supreme Court of Canada hearing took place on April 27, 2017. The Court's decision is expected within 10-12 months. |
| <i>Willson / West Moberly</i><br><br>British Columbia Supreme Court                 | On August 4, 2005 six Treaty 8 British Columbia First Nations sued British Columbia and Canada seeking a declaration that the location of the western boundary of Treaty 8 follows the Arctic-Pacific watershed line: a line defined as the "central range of the Rocky Mountains" in the text of Treaty No. 8. Prophet River and Fort Nelson First Nations were removed by consent. The remaining Plaintiff Treaty 8 First Nations are West Moberly, Halfway River, Sauteau, and Doig River. The Defendants are the McLeod Lake Indian Band, the Attorney | The Trial concluded with Closing oral arguments concluded on November 25, 2016 in the Supreme Court of British Columbia. The Court reserved Judgment.  | Await the court's decision.   |

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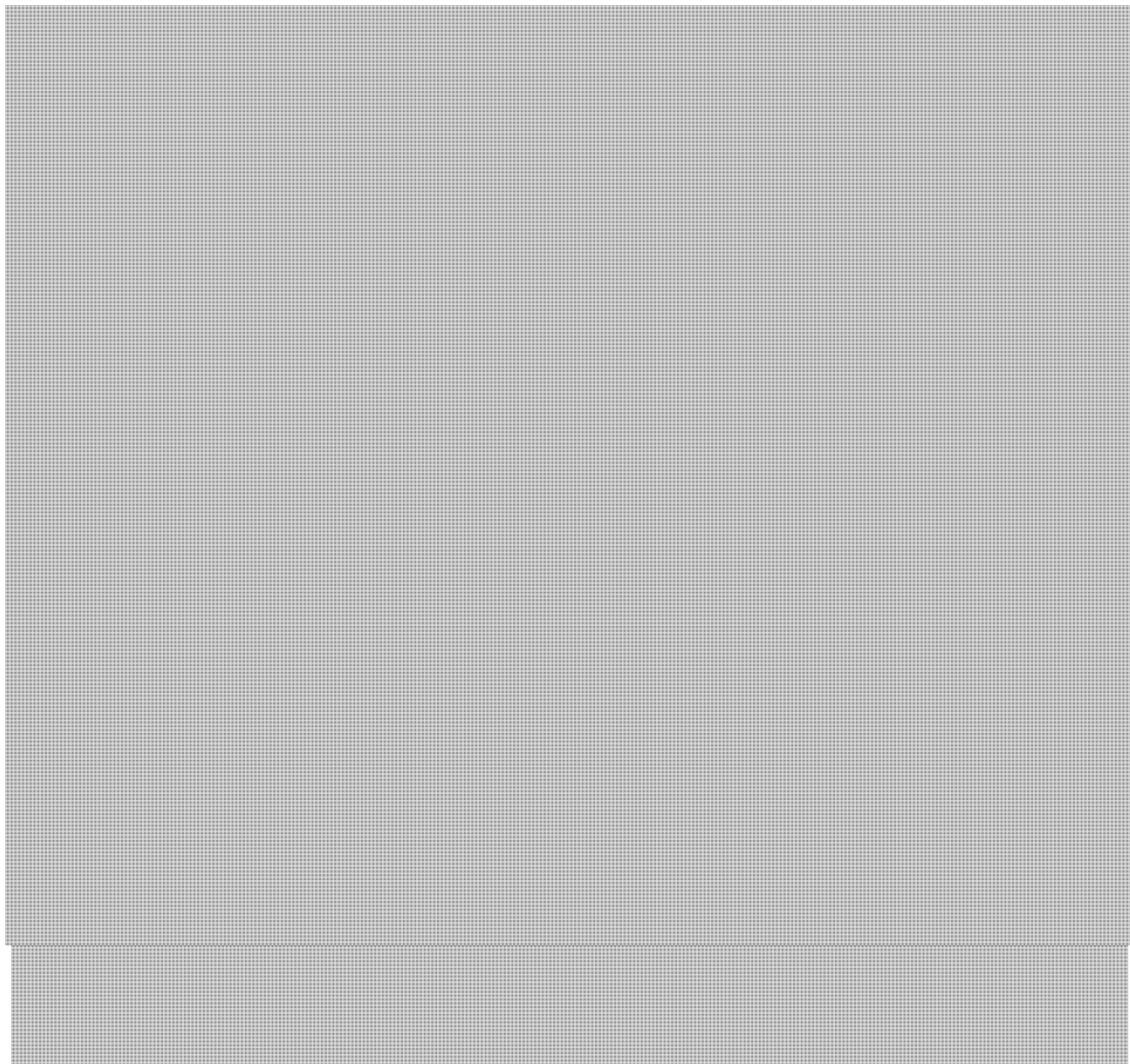
| CASE  | CASE SUMMARY   | CURRENT STATUS  | NEXT STEPS                           |
|---|--|---|--------------------------------------|
|   | General for Canada, the Attorney General for the Province of British Columbia, and the Kaska Dena Council.   |   |                                      |
| <i>We Wai Kai Nation v. HMTQ Canada</i><br><br>Specific Claims Tribunal | The We Wai Kai Nation filed a Declaration of Claim before the Specific Claims Tribunal on June 23, 2014. The Claimant alleges that Canada breached fiduciary and legal obligations that resulted in the We Wai Kai Nation's loss of its entitlement to a portion of the Drew Harbour Indian Reserve. | In April 2016, Canada files its amended response to the amended declaration of claim. | Continued process towards a hearing. |
|   |  |   |                                      |

s.21(1)(a)

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to Information Act*

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Loi sur l'accès à  
l'information*

**From:** Lori Walker  
**To:** James Moxon; Michael Morabito  
**CC:** David Becker  
**Date:** 8/8/2016 10:06 AM  
**Subject:** Re: Musqueam ----- List of Key Active cases in BC - August 23-24 - MT329



Michael

>>> Michael Morabito 8/8/2016 8:25 AM >>>

Good morning everyone - The Minister is traveling to BC, and we have just received the below request to update the attached List of Key Active cases in British Columbia. Can you please review your BC cases in the attached list, and make any changes directly in the document **by end of day this Wednesday August 10th.**

We just recently updated this list of BC cases on July 18th so there may not be many updates required.



Michael

>>> James Moxon 8/8/2016 8:13 AM >>>  
Will do.

James

>>> Francine Létourneau 8/8/2016 7:49 AM >>>  
Could you provide the updated BC litigation list to DGO by August 12-noon for DG approval. It is in WebCIMS under MT329. Merci. Francine

Francine Letourneau

Adjointe Exécutive, Direction générale de la gestion et du règlement des litiges  
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Tel: 819-997-2787 / TTY: 819-997-1679

>>> Marie-Pierre Dagenais 8/8/2016 6:21 AM >>>

Hello Julia,

I hope this email finds you well.

As you may know, Horizontal Coordination is assisting the minister for her upcoming trip to British Columbia.

In preparation of this trip PSD input is needed for the litigation files. The approved document is expected on August 15, 2016 at noon to Corp Sec.  
Please let me know if this works for you and then I will proceed with the WebCIMS assignment.

Kind regards,

Marie-Pierre

Marie-Pierre Dagenais

Conseillère principale en politique/Int. | A/ Senior Policy Advisor  
Coordination horizontale - Voyages et réunions ministérielles | Horizontal Coordination - Ministerial Trips and Meetings  
Affaires autochtones et développement du Nord Canada | Aboriginal Affairs and Northern Development Canada  
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**From:** Robert Sullivan  
**To:** Morabito, Michael  
**Date:** 8/10/2016 6:24 AM  
**Subject:** Fwd: Re: List of Key Active cases in BC - MT329  
**Attachments:** VANCOUVR-#3410637-v1-MINISTER\_S\_TRIP\_TO\_BC\_AUGUST\_23-24.DOCX

Hi Michael

Just FYI

For item 2, meeting with President of BC Aboriginal Childcare Society, they may touch on the AFN complaint.

However, LOP-E (Krista Robertson) provided information on the file directly to ESDPP for inclusion in their briefing material for the Minister. As a result, a scenario note from LMRB is not required. Just letting you know in case this gets raised with you.

Thanks  
Rob

>>> Michael Morabito 8/8/2016 11:45 AM >>>

FYI - attached is the trip agenda for the Minister's meeting to BC on August 23-24. Meeting scenario notes have been requested for some of the Minister's meeting with certain groups/FNs.

Michael

>>> Michael Morabito 8/8/2016 8:28 AM >>>

Hello Allan's and Marc-Andre's teams:

The Minister is traveling to BC, and we have just received the below request to update the attached List of Key Active cases in British Columbia. Can your teams please review your BC cases in the attached list, and make any changes directly in the document **by end of day this Wednesday August 10th**. We just recently updated this list of BC cases on July 18th so there may not be many updates required.

Thank you.

Michael

>>> James Moxon 8/8/2016 8:13 AM >>>

Will do.

James

>>> Francine Létourneau 8/8/2016 7:49 AM >>>

Could you provide the updated BC litigation list to DGO by August 12-noon for DG approval. It is in WebCIMS under MT329. Merci. Francine

Francine Letourneau

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Hello Julia,

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Kind regards,

Marie-Pierre

Marie-Pierre Dagenais

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10 Wellington, Gatineau, Québec, K1A 0H4, 21 floor,  
Courriel/E-mail: marie-pierre.dagenais@aadnc-aadnc.gc.ca

**From:** Christine Hall  
**To:** Michael Morabito; Marc-André Millaire; Benjamin Steylen  
**Date:** 8/10/2016 9:32 PM  
**Subject:** Re: Re: List of Key Active cases in BC - MT329

Hi,

Yes our team has finished.

Christine

>>> Michael Morabito 8/10/2016 8:56:14 PM >>>Hi - can you please let me know if Marc-Andre's team is finished updating your BC cases in the attached list?

We would like to finalize this list tomorrow and send to DGO before the deadline.

Thanks.  
Michael

>>> Robert Sullivan 8/10/2016 6:21 AM >>>

Hi Michael

List is up to date for LOP-E, and approved by Allan.  
(AFN/Caring Society & Gottfriedson).

Thanks  
Rob

>>> Michael Morabito 8/8/2016 11:28 AM >>>  
Hello Allan's and Marc-Andre's teams:

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Courriel/E-mail: marie-pierre.dagenais@aadnc-aandc.gc.ca

**From:** Michael Morabito  
**To:** Francine Létourneau  
**CC:** Allan Burnside; Benjamin Steylen; Christina Dallaire; Christine Hall;...  
**Date:** 8/11/2016 4:43 PM  
**Subject:** Re: List of Key Active cases in BC - MT329  
**Attachments:** VANCOUVR-2624029.DOCX.DRF

Francine - further to your email below, attached is the Revised List of Key Active Cases for BC which has now been updated by Allan's team, Marc-Andre's team, and James' team, and has been approved by each Director. This List is for the Minister's upcoming trip to BC on August 23-24 (MT329).

Michael

>>> Francine Létourneau 8/8/2016 7:49 AM >>>

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Francine Letourneau

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Marie-Pierre

Marie-Pierre Dagenais

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Courriel/E-mail: marie-pierre.dagenais@aandc-aadnc.gc.ca

**From:** Michael Morabito  
**To:** James Dean Waryk  
**Date:** 8/11/2016 4:47 PM  
**Subject:** Fwd: MT329 - please close our assignment in WebCims  
**Attachments:** VANCOUVR-2624029.DOCX.DRF

Hi James - see below. Not sure if our Vancouver office was actually assigned this item in WebCims (it is really assigned to the entire LMRB branch), but if it is assigned to our Vancouver office in WebCims then can you please close our assignment and re-assign to Francine to push it back up. Thanks.

Michael

>>> Michael Morabito 8/11/2016 4:43 PM >>>

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Michael

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Francine Letourneau

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**Marie-Pierre Dagenais**

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Courriel/E-mail: [marie-pierre.dagenais@aandc-aadnc.gc.ca](mailto:marie-pierre.dagenais@aandc-aadnc.gc.ca)

**From:** Michael Morabito  
**To:** Francine Létourneau  
**CC:** Christina Dallaire; James Moxon  
**Date:** 8/12/2016 4:38 PM  
**Subject:** Re: List of Key Active cases in BC - MT329  
**Attachments:** VANCOUVR-2624029.DOCX.DRF

Hi Francine - we made updates to 2 cases in the attached BC list (the Saikuz case and the Sts'aillies case). See attached revised list. It is the same BC CIDMS number as before. Can you please ensure that this revised version of the list is the one used for the Minister's Trip? Thank you.

Michael

>>> Michael Morabito 8/11/2016 4:43 PM >>>

Francine - further to your email below, attached is the Revised List of Key Active Cases for BC which has now been updated by Allan's team, Marc-Andre's team, and James' team, and has been approved by each Director. This List is for the Minister's upcoming trip to BC on August 23-24 (MT329).

Michael

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Francine Letourneau

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## LIST OF KEY ACTIVE CASES IN BRITISH COLUMBIA

Updated as of June 1, 2017

| CASE   | CASE SUMMARY  | CURRENT STATUS  | NEXT STEPS  |
|--|---|---|---|
| <p><i>Assembly of First Nations/First Nations Child and Family Caring Society of Canada</i></p> <p>Canadian Human Rights Tribunal</p>                  | <p>In February 2007, the AFN and the First Nations Child and Family Caring Society of Canada filed a complaint with the Canadian Human Rights Commission alleging that the inequitable funding for the provision of child and family services on-reserve constitutes systemic and ongoing discrimination on the basis of race, national or ethnic origin under the <i>Canadian Human Rights Act</i>.</p> <p>Decision released January 26, 2016.</p> | <p>On May 24, 2017, the Tribunal released its ruling with respect to Jordan's Principle (JP) finding that Canada continues to apply a narrow definition to JP that is not sufficiently responsive to, and in full compliance with, the previous orders regarding the implementation of the full meaning and scope of JP. Canada was ordered to track and collect data on JP cases. Canada was also ordered to consult with the Commission, complainants and the interested parties on public education regarding child welfare program reform as it relates to JP.</p>  | <p>INAC, Health Canada and Justice are considering options for appropriate next steps.</p>        |
| <p><i>Akisiq'nuk First Nation v. HMTQ (Madias-Tatley)</i></p> <p>Specific Claims Tribunal</p> <p>(Federal Court of Appeal – under Judicial Review)</p> | <p>The Akisiq'nuk First Nation alleges that Canada breached its fiduciary duty and legal obligation to complete the reserve creation process that resulted in the First Nation's loss of reserve land entitlement to a 3040 acre parcel within the boundaries of Block 4596, Group 1, Kootenay District, ("Madias Tatley Land").</p>  | <p>On February 5, 2016, the Specific Claims Tribunal issued a decision in favour of the First Nation, finding that Canada breached fiduciary duties to the First Nation by not correcting a survey error and by not pursuing the recommendation of the McKenna-McBride Commission to add approximately 3000 acres to the First Nation's reserve base.</p> <p>On March 7, 2016, Canada filed with the Federal Court of Appeal an Application for Judicial Review of the Specific Claims Tribunal's decision.</p> <p>The hearing of Canada's Judicial Review was heard on May 16, 2017, at Federal Court of Appeal.</p> | <p>The Decision was reserved.</p>   |
| <p><i>Andrews (Canadian Human Rights Tribunal)</i></p>   | <p>The Canadian Human Rights Commission has filed a Judicial Review Application of the Canadian Human Rights Tribunal's</p>   | <p>On both the <i>Andrews</i> and <i>Matson</i> Human Rights challenges, the Canadian Human Rights</p>  | <p>The Canadian Human Rights Commission filed their Notice of Appeal on May 1, 2017 and their</p> |

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| CASE   | CASE SUMMARY  | CURRENT STATUS   | NEXT STEPS  |
|--|---|--|---|
| <p><i>Matson (Canadian Human Rights Tribunal)</i></p> <p>Supreme Court of Canada (leave application)</p>                                     | <p>decision to dismiss the complaints filed by Roger William Andrews. Roger William Andrews sought to have himself and his daughter, Michelle Dominique Andrews registered under section 6(1) of the <i>Indian Act</i>. He claimed discrimination based on race, national or ethnic origin and family status. He challenged the second generation cut-off issue as well as his father's enfranchisement in 1957.</p> <p>The Canadian Human Rights Commission filed an application for Judicial Review of the Canadian Human Rights Tribunal decision in <i>Matson</i> which deemed that the Tribunal did not have jurisdiction to hear the challenge to the registration provisions of the <i>Indian Act</i> as it was not a service as defined by the <i>Canadian Human Rights Act</i>. Filed in 2008, the <i>Matson</i> complaint is brought by siblings (Jeremy Matson, Melody Schneider and Mardy Matson) challenging the registration provisions of the <i>Indian Act</i> and their inability to transmit Indian status to their descendants as discriminatory under the <i>Canadian Human Rights Act</i>, based on sex and family status.</p> <p>—</p> <p>Jeremy Matson has also filed a complaint before the Convention on the Elimination of All Forms of Discrimination against Women that alleges discrimination by the Government of Canada in respect of the rules governing status under the <i>Indian Act</i>. Canada has responded. The claim has not been assessed yet.</p> | <p>Tribunal ruled that the Tribunal did not have jurisdiction to hear the challenges to the registration provisions of the <i>Indian Act</i> as it was not a service as defined by the <i>Canadian Human Rights Act</i>.</p> <p>The Canadian Human Rights Commission filed Judicial Review applications challenging the Tribunal's decisions</p> <p>The Federal Court heard the Judicial Review applications for both <i>Andrews</i> and <i>Matson</i> complaints on August 28, 2014 and dismissed the Applications for Judicial Review on March 30, 2015. The Canadian Human Rights Commission appealed to the Federal Court of Appeal. Appeal hearing occurred January 27, 2016. The appeal was dismissed without costs on July 21, 2016.</p> <p>The CHRC sought leave to appeal the decision of the Federal Court of Appeal to the Supreme Court of Canada (SCC).</p> <p>On March 30, 2017, the SCC granted the application to seek leave to appeal the Federal Court of Appeal's decision without costs.</p> | <p>Factum is due on June 26, 2017.</p> <p>Canada's response Factum is due 8 weeks later (August 21, 2017).</p> <p>SCC Hearing date tentatively set: November 28, 2017</p> |
| <p><i>Atlantic Waste Systems v. Attorney General of Canada and Optimal Collections and Tracing Services Ltd.</i></p> <p>BC Supreme Court</p> | <p>Atlantic Waste operated a landfill on Kwantlen IR # 5 (near Maple Ridge) since 1994. Canada terminated the lease on February 1, 2011 due to ongoing breaches to the environmental provisions of the lease.</p> <p>Atlantic Waste sued Canada for wrongful termination of the lease. Canada counterclaimed against Atlantic Waste to recover its remediation costs.</p> <p>Canada later added Atlantic Waste's president and director</p>   | <p>Canada filed a Consent Dismissal Order as against Hemmera on May 31, 2017.</p>  | <p>Respond to court deadlines as required.</p>  |

UNCLASSIFIED

| CASE   | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS  |
|--|--|--|---|
|  | Brent Mann, and its environmental consultant Hemmera Envirochem Inc.   |  |   |
| <i>Bosa v. Canada and the Songhees Nation</i><br><br>Federal Court   | The Plaintiffs filed a statement of claim against Canada and the Songhees Nation seeking to have the rent notice sent by Songhees Nation declared invalid, and alternatively, a court order to determine the annual basic rent payable for the five-year period commencing March 18, 2016 and ending March 17, 2021 regarding lands leased on the Songhees Reserve. The Songhees Nation is a signatory to the Framework Agreement on First Nation Land Management, and has been managing reserve lands under its own land code since October 2011.   | This claim was filed on August 5, 2016.<br><br>Canada filed its defence on September 19, 2017.   | A judicial dispute resolution conference has been scheduled for September 18, 2017. |
| <i>Coldwater</i><br><br>Federal Court of Appeal  | On January 27, 2015 Coldwater Indian Band filed an application for a judicial review of a decision by the Minister of Indian Affairs and Northern Development to consent to the assignment of one pipeline easement on the Coldwater Indian Reserve No. 1.<br><br>The main issue is whether the Minister had an obligation to act solely in the interest of the Coldwater Indian Band by refusing his consent and having consented failed in his duty.<br><br>This Judicial Review concerns only the assignment of an existing pipeline easement, it does not involve the proposed expansion or "twinning" of the Trans Mountain pipeline.<br><br>The Federal Court dismissed the Judicial Review on May 30, and the Band filed a Notice of Appeal on June 14, 2016. | The appeal hearing has been scheduled for June 20, 2017 at the Federal Court of Appeal in Vancouver.   | Await the June 20, 2017 appeal hearing.   |
| <i>Cowichan - Tl'uq̓tinus Lands "Aboriginal rights and Title" case</i><br><br>British Columbia Supreme Court | Department of Transport, Fisheries and Oceans Canada, and INAC are all involved in this case. This case is related to the "Reserve Creation" case directly below. The Cowichan Tribes have filed a new claim for aboriginal title against Canada, British Columbia and the City of Richmond. The plaintiffs are seeking various declarations relating to their asserted aboriginal rights and title to the Lands of Tl'uq̓tinus.<br><br>The Vancouver Fraser Port Authority, the Musqueam Indian   | Canada filed a Notice of Application for an order that the Plaintiffs, or alternatively the province of BC, provide notice of the litigation to private landowners with fee simple interests in the claimed area on April 6, 2017. Canada's application was heard on May 11-12, and the decision was reserved. | Await the court's decision on Canada's application re notice to private landowners. |

UNCLASSIFIED

| CASE   | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS                      |
|--|--|--|---------------------------------|
|  | Band, and the Tsawwassen First Nation have been added as defendants.   |  |                                 |
| <p><i>Cowichan - Tl'uq̓tinus Lands "Reserve Creation" case</i></p> <p>British Columbia Supreme Court</p> | <p>Department of Transport and INAC are co-lead on this case. This case is related to the "Aboriginal Rights and Title" case directly above. The Cowichan Tribes commenced an action in British Columbia Supreme Court on July 19, 2013 against Canada and British Columbia seeking a declaration that both governments breached their pre-Confederation and post-Confederation fiduciary duties to the Cowichan by failing to create an Indian reserve for the band on the south (main) arm of the lower Fraser River at the south shore of Lulu Island (lands at Tl'uq̓tinus). In the alternative, they seek a declaration that Canada and British Columbia breached ongoing constitutional obligations pursuant to Article 13 of the British Columbia Terms of Union to rectify the Crown's original failure to complete the creation of the reserve in accordance with the honour of the Crown. They seek a declaration that Canada holds the federally owned portion of the lands at Tl'uq̓tinus (Federal Tl'uq̓tinus Lands) as a constructive trustee for the Cowichan, and that they are entitled to possession of the lands, as compensation for the breaches of fiduciary duty or constitutional obligation. The lands in question are located in the City of Richmond, British Columbia (within Metro Vancouver) and total approximately 1100 acres. According to the claim, Canada acquired the fee simple interest in approximately 694 acres of the lands in question (which they describe as the Federal Tl'uq̓tinus Lands) between 1968 and 1987, and it subsequently allocated management of these federal lands to the Vancouver Fraser Port Authority.</p> | This case is currently dormant.                                  | This case is currently dormant. |
| <p><i>Esquimalt (Aboriginal Title)</i></p> <p>British Columbia Supreme Court.</p>                        | <p>On February 9, 2016, the Esquimalt Nation filed an action in BC Supreme Court seeking a declaration that the Lekwungen hold unextinguished Aboriginal title to specific areas in Esquimalt including the Esquimalt Nation reserve, the adjacent seafloor, Inskip Island and a portion of the Canadian Forces Base Esquimalt called Work Point Barracks. The</p>   | <p>Canada's Response to Civil Claim was filed June 30, 2016.</p> | <p>Document discovery.</p>      |

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| CASE  | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS                                  |
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|   | Esquimalt Nation also seek an order for possession of the claim area and a declaration that Canada has in the past and continues to unlawfully and unjustifiably infringe on Aboriginal title in these areas.  |  |   |
| <i>Gitanyow / Malii</i><br>British Columbia Supreme Court | The Plaintiffs assert a claim for aboriginal rights and title affirmed in s.35 of the <i>Constitution Act, 1982</i> and seek various declarations and relief, including an order for general, aggravated and punitive damages. This was previously filed in 2003 as a protective writ.   | The plaintiffs filed an amended notice of civil claim on April 4, 2016.<br>Canada filed a response to civil claim on August 5, 2016.<br>The plaintiffs filed a reply on November 30, 2016.   | Respond to any court deadlines as required. |
| <i>Gottfriedson</i><br>Federal Court Trial Division       | This is a class action filed by the Secwepemc and Sechelt Indian Bands with regard to day students who attended classes at a residential school. The class action suit seeks compensation for the day students, their descendants and bands for cultural, linguistic and social damages.   | The Minister's Special Representative, Thomas Isaac, was appointed to engage in exploratory discussions with the Plaintiffs.   | The exploratory discussions are ongoing.    |
| <i>Haida</i><br>British Columbia Supreme Court            | The Haida claim Aboriginal rights and title to Haida Gwaii. The case was in abeyance (since December of 2008), which provided time for the deposition of Haida elders. In February 2012 the Haida gave notice to terminate the Abeyance, and in June, 2012 the Abeyance terminated. No litigation activity occurred until the plaintiffs filed an Amended Notice of Civil Claim on February 6, 2016. Canada filed its Amended Response to Civil Claim on November 10, 2016.<br><br>This multi-department litigation involves INAC, Department of Fisheries, Transport Canada, National Defence, Global Affairs, Natural Resources Canada, Environment, and Parks Canada. | A Case Management Conference was held on April 24, 2017.   | Respond to court deadlines as required.     |
| <i>Hwlitsum</i><br>British Columbia Court of Appeal       | The Hwlitsum First Nation has filed a claim for aboriginal title against, inter alia, Canada, British Columbia, and the City of Vancouver. The plaintiffs are seeking aboriginal title to large portions of southern Vancouver Island, the Gulf Islands, and the Lower Mainland. The Tsawwassen First Nation, Penelakut Tribes, and Musqueam Indian Band were later added as defendants.   | Canada's Notice of Application to strike the plaintiffs' Civil Claim because the plaintiffs do not have standing to bring the action as a representative proceeding was granted on March 24, 2017. Hwlitsum filed a Notice of Appeal on April 7, 2017. | Respond to court deadlines as required.     |



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| CASE   | CASE SUMMARY   | CURRENT STATUS  | NEXT STEPS  |
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| <i>Hul'qumi'num Treaty Group</i><br>Inter-American Commission on Human Rights      | In 2007, the Hul'qumi'num Treaty Group filed a petition before the Inter-American Commission on Human Rights. The Hul'qumi'num alleges that Canada has violated their rights to property, culture, religious freedom, equality and fair trial by alienating most of their claimed traditional territory to private land owners, and allowing the development of their land without proper consultation and compensation. The petition further asserts that the British Columbia Treaty Process and the Canadian judicial system are ineffective mechanisms for resolving their claim.  | The decision from the Inter-American Commission on Human Rights is pending.   | Awaiting the decision from the Inter-American Commission on Human Rights. |
| <i>Huu-ay-aht</i><br>Specific Claims Tribunal                                      | On November 18, 2011, the Huu-ay-aht First Nation filed a claim with the Specific Claims Tribunal alleging that Canada mismanaged the administration of timber on Numukamis Indian Reserve No.1 in the 1940s by failing to terminate a long-term timber licence in 1948.   | On December 12, 2016, the Specific Claims Tribunal awarded \$13,884,000 to the Huu-ay-aht First Nations in compensation for \$207,000 they should have received from selling their timber in 1948.<br><br>Canada has decided to seek judicial review of the Tribunal's decision by the Federal Court of Appeal. | Await the outcome of the JR hearing                                       |
| <i>Ignace</i><br>British Columbia Supreme Court                                    | The Stk'emlupsemc of the Secwepemc Nation, a group that represents the Skeetchestn First Nation and Tk'emlúps te Secwepemc, seeks a declaration of Aboriginal rights and title in relation to part of its traditional territory, damages in respect of unjust infringements of those Aboriginal rights and title, and interim and permanent injunctions preventing activities in relation to a project known as the Ajax Mine. The proposed copper and gold mine is located southwest of Kamloops, BC. Although the claim specifically refers to the lands around Jacko Lake, the Aboriginal title claim includes a much larger area that includes the City of Kamloops. This is a multi-departmental case (INAC, DFO, NRCAN, and CEAA). | The Attorney General of British Columbia and KGHM Ajax Mining Inc. each filed a Response to Civil Claim on January 15, 2016. Canada filed a Response to Civil Claim on March 16, 2016.<br><br>On October 18, 2016, the Plaintiff filed an Amended Notice of Civil Claim.  | Respond to court deadlines as required.                                   |
| <i>Kitselas First Nation (Specific Claims Tribunal)</i><br>Federal Court of Appeal | The Kitselas First Nation alleges that a 9.5 acre portion of land that should have been included by Commissioner O'Reilly in 1891 was unlawfully excluded from the allotment of Kitselas Indian Reserve #1.  | On February 19, 2013, the Specific Claims Tribunal held that Canada breached a fiduciary duty to the Kitselas First Nation in 1891 by excluding lands from one of their reserves during the process of reserve allotment. The   | Canada and the First Nation are working towards settlement.               |

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| CASE   | CASE SUMMARY  | CURRENT STATUS   | NEXT STEPS  |
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|  |   | <p>decision reached conclusions contrary to the positions taken by Canada in several other claims dealing with similar issues.</p> <p>On March 21, 2013, Canada filed a Judicial Review with the Federal Court of Appeal to appeal the Tribunal decision. Both the Union of British Columbia Indian Chiefs and Specific Claims Tribunal intervened in this matter.</p> <p>The Federal Court of Appeal heard this matter on April 7-8, 2014. On June 5, 2014, the Federal Court of Appeal released its decision, and unanimously dismissed Canada's judicial review application. The Court agreed with the Tribunal's decision, finding that it was both reasonable in its determination of fact, and correct in its analysis of the law.</p> |   |
| <p><i>Ktunaxa (Jumbo Glacier)</i><br/>Supreme Court of Canada</p>                | <p>Canada is an intervener in this appeal before the Supreme Court of Canada.</p> <p>This appeal arises from a judicial review brought by the Ktunaxa Nation Council challenging the British Columbia Minister of Forests, Lands and Natural Resource Operations' approval of the development of a ski resort (i.e., Jumbo Glacier) near Invermere, British Columbia.</p> | <p>The First Nation's appeal is centered on the section 2(a) <i>Charter</i> right to freedom of religion. Thirteen other groups intervened in the appeal including the Province of Saskatchewan, Indigenous and religious groups, and the Canadian Chamber of Commerce.</p> <p>The Supreme Court of Canada heard the appeal on December 1, 2016.</p>   | <p>Await the Supreme Court of Canada decision.</p>  |
| <p><i>Lake Babine (Specific Claims Tribunal)</i><br/>Federal Court of Appeal</p> | <p>The Lake Babine Nation claims Canada failed to meet its fiduciary obligations to complete the reserve creation process by not including lands south of the Fulton River in its allotment.</p>  | <p>On October 19, 2015, the Specific Claims Tribunal found that Canada did not breach a legal obligation owed to the First Nation and that the First Nation failed to establish a valid claim under the SCTA. The Claimants filed an application for Judicial Review with the Federal Court of Appeal on November 18, 2015.</p>  | <p>Canada has accepted the First Nation's proposal that they discontinue their judicial review without costs. Counsel for the parties are finalizing a report to the Court of Appeal.</p> |
| <p><i>Mowachaht/Muchalaht</i><br/>British Columbia Supreme Court</p>             | <p>Mowachaht/Muchalaht First Nation allege that Canada dispossessed it of its right to use and occupy San Rafael Island as reserve lands by illegally removing the Island from</p>  | <p>The lawsuit was served on Canada on May 16, 2017.</p>   | <p>Respond to any court deadlines as required.</p>  |

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| CASE  | CASE SUMMARY  | CURRENT STATUS   | NEXT STEPS  |
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|   | reserve status in 1910 and transferring it to DFO to be used as a site for a lighthouse.  |  |   |
| <i>Musqueam</i><br>Federal Court Trial Division   | This claim concerns the determination of the annual "fair rent" to be paid by each of the Plaintiffs (Leaseholders) to the Musqueam Indian Band under their respective leases for each of the 62 lots located on the Musqueam Indian Reserve in BC. The claim was filed after the Musqueam Band and the leaseholders failed to reach a negotiated agreement on the rent for the land.   | During December 5-16, 2016, the Federal Court heard expert appraisal evidence from the leaseholders and Musqueam Indian Band. Final oral arguments were heard from February 6-8, 2017. The Court reserved its decision.<br><br>On May 18, 2017, the Federal Court released its decision in the Muqueam rent review case. | The deadline for any party to file a notice of appeal is June 19, 2017. |
| <i>Nuchatlaht</i><br>B.C. Supreme Court   | The Nuchatlaht claim that British Columbia and Canada have unjustifiably breached their constitutional duties in respect of the aboriginal title of the Claim Area. The Claim Area is located on Nootka Island, which is located off the west coast of Vancouver Island near Tahsis, BC. They are seeking declarations of Aboriginal title and a declaration that the provincial Forest Act and Park Act unjustifiably infringes their title. | The claim was filed on January 20, 2017 in BC Supreme Court.<br><br>Canada filed a Response to Civil Claim on May 1, 2017.   | Document production.  |
| <i>Okanagan Indian Band v. Attorney General of Canada</i><br>B.C. Supreme Court   | The Department of National Defence is the lead on this file.<br><br>Between 1939 and 1990, the Department of National Defence used thousands of acres of Okanagan Indian Reserve No. 1 for military training exercises, under various leases issued by INAC. The plaintiff alleges that DND did not properly remove unexploded munitions.   | A Notice of Civil Claim was filed on October 4, 2016 in BC Supreme Court. Canada filed its Response on February 7, 2017.   | Document production.  |
| <i>Quaaout IR1 Rent Reviews (Little Shuswap)</i><br>Federal Court   | These files are challenges of Little Shuswap Lake cottage lot rent increases. Canada is defending 8 related challenges for lots on Quaaout IR 1. All the plaintiff lessees are self-represented.  | The parties have resolved this matter.   | Finalize the court documents required to resolve this matter.           |
| <i>Saik'uz First Nation and the Stellat'en First Nation v Rio Tinto (Alcan)</i><br><br>"Aboriginal rights and Title" case | The Kenney Dam is a hydroelectric dam constructed in the early 1950's by Rio Tinto (formerly Alcan) on the Nechako River, in northwestern British Columbia. The First Nations' claim that this diversion of the Nechako River creates an ongoing nuisance and interference with proprietary and riparian rights, including s. 35 rights. The plaintiffs seek injunctions and costs.   | On August 12, 2016 the British Columbia Supreme Court ruled that the federal and provincial Crown be added as defendants. Canada and BC filed their Responses January 20, 2017.  | The Court has set the trial date for September 9, 2019.                 |

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| CASE  | CASE SUMMARY   | CURRENT STATUS  | NEXT STEPS   |
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| British Columbia Supreme Court  | This is multi-departmental case involving: INAC, Department of Fisheries, Natural Resources Canada and Environment Canada.   |   |  |
| <i>Sarah Tanchak v. Her Majesty the Queen in Right of British Columbia and Attorney General of Canada</i><br>British Columbia Supreme Court | The Plaintiff claims that the Crown is liable and vicariously liable for all acts and omissions that occurred as a result of the Adopt Indian Metis (AIM) program, including but not limited to, cultural malfeasance, physical abuse, sexual assault, battery, neglect, and misfeasance of public officials acting on behalf of the Crown.  | Plaintiffs' counsel have chosen to focus on resolving carriage rather than engaging in the pan-Canadian resolution discussions. | Carriage motion will be heard on June 21, 2017. Once carriage is determined, a timeline is expected to be set for the certification hearing. |
| <i>Sharon Russell v. Attorney General of Canada</i><br>British Columbia Supreme Court   | Filed in May 2011, this claim concerns the practice of removing Aboriginal children from their families and communities and placing them in the care of non-Aboriginal foster or adoptive homes. The Plaintiff alleges that beginning in 1962 Canada delegated Indian child welfare services to BC Child Welfare and, in doing so, caused ongoing harm to Indian children in care by not taking steps to prevent them from losing their Aboriginal identity and the opportunity to exercise their Aboriginal and treaty rights.            | Plaintiffs' counsel have chosen to focus on resolving carriage rather than engaging in the pan-Canadian resolution discussions. | Carriage motion will be heard on June 21, 2017. Once carriage is determined, a timeline is expected to be set for the certification hearing. |
| <i>Shxw'owhámel First Nation (Shane James et al) Aboriginal Rights and Title case</i><br>British Columbia Supreme Court                     | The Shxw'owhámel First Nation has launched a claim against the Province of British Columbia and Canada seeking declarations of Aboriginal title, rights and interests in relation to parts of its alleged Traditional Territory, along with damages in relation to the operation of the Fraser River Debris Trap. Shxw'owhámel has named Emergency Management BC, BC and Canada as defendants for their respective roles in the operations of the Debris Trap. This is a multi-departmental case involving Transport Canada, INAC and DFO. | Canada filed its Response to the Notice of Civil Claim on March 15, 2017.   | Respond to court deadlines as required.  |
| <i>Snaw-Naw-As</i><br>British Columbia Supreme Court  | The Snaw-Naw-As (previously Nanoose) First Nation seeks return of lands that were taken for railway purposes, initially by the E & N railway. The lands were later transferred to Canadian Pacific Railway and most recently, the Island Corridor Foundation. The Snaw-Naw-As First Nation says the lands are no longer being used for railway purposes and asks for the right of way lands to revert to Canada as reserve   | Canada's Response was filed on April 29, 2016. The Island Corridor Foundation filed its response on February 26, 2016.          | Document production.   |

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| CASE   | CASE SUMMARY  | CURRENT STATUS  | NEXT STEPS   |
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|  | lands for the use and benefit of the First Nation. This case involves both Transport Canada and INAC.   |   |  |
| <p><i>Songhees / Chief Robert Sam Esquimalt/Chief Seenupin</i></p> <p>British Columbia Supreme Court</p> | <p>In November 2009 Songhees First Nation commenced litigation against Canada and British Columbia. The Plaintiffs allege that Songhees First Nation is one of the beneficiaries under the Chekonein Treaty (Douglas Treaty) and that British Columbia and Canada failed to set aside their village site near Cadboro Bay for them in accordance with the Treaty. In 2012 the Esquimalt Nation commenced similar litigation. The claims are to be heard together.</p> |   |  |
| <p><i>Spookw</i></p> <p>British Columbia Supreme Court (trial) / Court of Appeal (appeal of motion)</p>  | <p>The Plaintiffs in this action seek to halt the treaty negotiations between the Gitksan Treaty Society, British Columbia and Canada. The Plaintiffs allege the Society does not accurately represent the Gitksan people.</p>  | <p>Canada, British Columbia and Gitksan Treaty Society's motions to strike the claim were heard December 3 - 13, 2013.</p> <p>On June 18, 2014 the British Columbia Supreme Court released its decision. The Court granted the motions to strike filed by Canada, British Columbia and the Society, and dismissed the case in its entirety.</p> <p>On July 17, 2014, the Plaintiffs filed a Notice of Appeal with the British Columbia Court of Appeal seeking to appeal the decision. The appeal hearing was held on September 12 and 13, 2016.</p> <p>On January 12, 2017 Justice Harris (concurring by Justice Goepel and Justice Savage) of the BC Court of Appeal confirmed the dismissal of the plaintiff's claims against Canada and the other defendants.</p> | <p>Respond to any court deadlines as required.</p> |
| <p><i>Sts'ailes (Chief Harvey Paul)</i></p> <p><i>Aboriginal rights and Title case</i></p>               | <p>This was originally filed in 2003 as a protective writ and was amended in June 2016 as a Notice of Civil Claim. The</p>  | <p>Responding to court deadlines as required.</p>   | <p>Respond to court deadlines as required.</p>     |

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| CASE   | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS  |
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| British Columbia Supreme Court   | <p>Plaintiffs seek a declaration of Aboriginal Title and Rights over a claim area in Southwestern BC (Harrison Lake and Lower Lillooet River watersheds and a portion of the Fraser River, and including Harrison Hot Springs and Agassiz), The Plaintiffs claim various infringements of their rights and title.</p> <p>The Plaintiffs claim virtually identical infringements of rights and title to the Harrison-Chehalis Terminal Fishery Management Area, which lays within the larger claim area. This is a multidepartmental case involving INAC, DFO and Agriculture and Agri-Food Canada (AAFC)</p>   |  |   |
| <p><i>Taseko Mines v. AGC and Canadian Environmental Assessment Agency</i></p> <p>British Columbia Supreme Court</p> | <p>In their Notice of Civil Claim Taseko Mines alleges that the Crown owed Taseko a duty of care to deal fairly and openly with Taseko.</p> <p>The Notice alleges that "Aboriginal Interested Parties" submitted information to the Minister of the Environment and Minister responsible for the Canadian Environmental Assessment Agency for her consideration in rendering a decision under the <i>Canadian Environmental Assessment Act</i>. Taseko claims it was never provided a copy of this information, nor did it have the opportunity to respond. Relief sought is unspecified general damages, punitive damages, interest, costs and other relief which the Court may deem appropriate.</p> <p>This is a multi-departmental case involving: CEAA / Environment Canada, NRCAN, DFO and INAC.</p> | <p>The Crown's response to the Notice of Civil Claim was filed on April 15, 2016.</p> <p>No trial date has been set.</p> | The litigation is currently dormant.                |
| <p><i>Tk'emlups</i></p> <p>British Columbia Supreme Court</p>  | The Tk'emlups Indian Band (aka Kamloops Indian Band) are alleging that Kamloops Indian Reserve #1 was originally allotted as a much larger reserve which was later unlawfully reduced. They seek the return of that land or compensation for the loss.   |  |   |
| <p><i>Tobacco Plains</i></p> <p>Specific Claims Tribunal</p>   | The Tobacco Plains Indian Band filed this claim on April 29, 2014. The Band alleges that Canada breached statutory and legal obligations in relation to the expropriation of 2.97 acres of land and water resources for the Roosville Customs House  | A hearing regarding the validity of this claim was held from May 29-31, 2017.  | Await the decision of the Specific Claims Tribunal. |

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| CASE  | CASE SUMMARY  | CURRENT STATUS   | NEXT STEPS  |
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|   | on Tobacco Plains Indian Reserve No. 2 in 1915.   |  |   |
| <i>Trans Mountain Pipeline Expansion Project JRs</i><br><br>Federal Court of Appeal | Four Judicial Reviews (by four First Nations) were filed challenging the NEB Report recommending that the Governor in Council approve the Trans Mountain Pipeline Expansion Project. In addition, applications for leave for Judicial Review were filed by six indigenous groups challenging the Governor in Council's issuance of an Order in Council (OIC) approving the Project.<br><br>NRCan is the lead federal department in this multi-department litigation.  | The Federal Court of Appeal heard the leave to Judicial Review applications.   | Await the Federal Court of Appeal decision on the leave to Judicial Review applications.                                |
| <i>Williams Lake (Specific Claims Tribunal)</i><br><br>Supreme Court of Canada      | The Williams Lake Indian Band traditionally occupied settlements in the area in and around what is now the City of Williams Lake.<br><br>The Band claims that Canada breached pre-Confederation and post-Confederation lawful obligations by allowing village sites to be pre-empted by settlers in contravention of colonial statutes and by failing to rectify the breach during the post-confederation reserve allotment process.  | On February 28, 2014, the Tribunal found that Canada was liable for statutory and fiduciary breaches by the Colonial Crown and for post-Confederation acts or omissions under s.14(1)(b) and 14(1)(c) of the <i>Specific Claims Tribunal Act</i> .<br><br>On February 29, 2016 the Federal Court of Appeal set aside the Tribunal's decision and found that Canada did not breach any legal obligations and that Canada is not liable for any possible breaches of legal obligations by the colony of British Columbia.<br><br>The Claimant filed an application for leave to appeal to the Supreme Court of Canada which was granted on October 13, 2016. | The Supreme Court of Canada hearing took place on April 27, 2017. The Court's decision is expected within 10-12 months. |
| <i>Willson / West Moberly</i><br><br>British Columbia Supreme Court                 | On August 4, 2005 six Treaty 8 British Columbia First Nations sued British Columbia and Canada seeking a declaration that the location of the western boundary of Treaty 8 follows the Arctic-Pacific watershed line: a line defined as the "central range of the Rocky Mountains" in the text of Treaty No. 8. Prophet River and Fort Nelson First Nations were removed by consent. The remaining Plaintiff Treaty 8 First Nations are West Moberly, Halfway River, Saulteau, and Doig River. The Defendants are the McLeod Lake Indian Band, the Attorney | The Trial concluded with Closing oral arguments concluded on November 25, 2016 in the Supreme Court of British Columbia. The Court reserved Judgment.  | Await the court's decision.   |

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| CASE  | CASE SUMMARY   | CURRENT STATUS  | NEXT STEPS                           |
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|   | General for Canada, the Attorney General for the Province of British Columbia, and the Kaska Dena Council.   |   |                                      |
| <i>We Wai Kai Nation v. HMTQ Canada</i><br><br>Specific Claims Tribunal | The We Wai Kai Nation filed a Declaration of Claim before the Specific Claims Tribunal on June 23, 2014. The Claimant alleges that Canada breached fiduciary and legal obligations that resulted in the We Wai Kai Nation's loss of its entitlement to a portion of the Drew Harbour Indian Reserve. | In April 2016, Canada files its amended response to the amended declaration of claim. | Continued process towards a hearing. |
|   |  |   |                                      |



**From:** Michael Morabito  
**To:** Christina Dallaire; Feroza Pirmohamed; Karen Woodall  
**CC:** James Moxon  
**Date:** 10/19/2016 5:10 PM  
**Subject:** Re: Fwd: MT416 - Minister's Trip to BC - List of key active cases for BC  
**Attachments:** VANCOUVR-2624029.DOCX.DRF

Hi Christina - there was a significant update on the **Ignace** case today (the FN filed an Amended Claim) so we updated the Ignace case in the attached BC list on page 6. If this BC list has already been sent up the line for the Minister's trip package then if you are able to insert into the package the updated page 6 on Ignace that would be great - if not possible, then don't worry about it.

Michael

>>> Feroza Pirmohamed 10/18/2016 2:27 PM >>>  
Hi Christina,

See attached list of key active cases to go with the Min. trip if required.

Feroza

>>> Michael Morabito 10/18/2016 2:14 PM >>>  
Hi Feroza - the attached List of BC Key Active Cases has now been updated by all 3 directorates. James M has reviewed. I have now incorporated his changes for our Vancouver cases, and he approves the List. Can you please now send the attached BC List to DGO to ask that this List be included in LMRB's input for the Minister Trip Package for MT416.

Thank you.

Michael

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## LIST OF KEY ACTIVE CASES IN BRITISH COLUMBIA

Updated as of June 1, 2017

| CASE  | CASE SUMMARY  | CURRENT STATUS  | NEXT STEPS  |
|---|---|---|---|
| <p><i>Assembly of First Nations/First Nations Child and Family Caring Society of Canada</i></p> <p>Canadian Human Rights Tribunal</p>                 | <p>In February 2007, the AFN and the First Nations Child and Family Caring Society of Canada filed a complaint with the Canadian Human Rights Commission alleging that the inequitable funding for the provision of child and family services on-reserve constitutes systemic and ongoing discrimination on the basis of race, national or ethnic origin under the <i>Canadian Human Rights Act</i>.</p> <p>Decision released January 26, 2016.</p> | <p>On May 24, 2017, the Tribunal released its ruling with respect to Jordan's Principle (JP) finding that Canada continues to apply a narrow definition to JP that is not sufficiently responsive to, and in full compliance with, the previous orders regarding the implementation of the full meaning and scope of JP. Canada was ordered to track and collect data on JP cases. Canada was also ordered to consult with the Commission, complainants and the interested parties on public education regarding child welfare program reform as it relates to JP.</p>  | <p>INAC, Health Canada and Justice are considering options for appropriate next steps.</p>        |
| <p><i>Akisq'nuk First Nation v. HMTQ (Madias-Tatley)</i></p> <p>Specific Claims Tribunal</p> <p>(Federal Court of Appeal – under Judicial Review)</p> | <p>The Akisq'nuk First Nation alleges that Canada breached its fiduciary duty and legal obligation to complete the reserve creation process that resulted in the First Nation's loss of reserve land entitlement to a 3040 acre parcel within the boundaries of Block 4596, Group 1, Kootenay District, ("Madias Tatley Land").</p>   | <p>On February 5, 2016, the Specific Claims Tribunal issued a decision in favour of the First Nation, finding that Canada breached fiduciary duties to the First Nation by not correcting a survey error and by not pursuing the recommendation of the McKenna-McBride Commission to add approximately 3000 acres to the First Nation's reserve base.</p> <p>On March 7, 2016, Canada filed with the Federal Court of Appeal an Application for Judicial Review of the Specific Claims Tribunal's decision.</p> <p>The hearing of Canada's Judicial Review was heard on May 16, 2017, at Federal Court of Appeal.</p> | <p>The Decision was reserved.</p>   |
| <p><i>Andrews (Canadian Human Rights Tribunal)</i></p>  | <p>The Canadian Human Rights Commission has filed a Judicial Review Application of the Canadian Human Rights Tribunal's</p>   | <p>On both the <i>Andrews</i> and <i>Matson</i> Human Rights challenges, the Canadian Human Rights</p>  | <p>The Canadian Human Rights Commission filed their Notice of Appeal on May 1, 2017 and their</p> |

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| CASE   | CASE SUMMARY  | CURRENT STATUS   | NEXT STEPS  |
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| <p><i>Matson (Canadian Human Rights Tribunal)</i></p> <p>Supreme Court of Canada (leave application)</p>                                     | <p>decision to dismiss the complaints filed by Roger William Andrews. Roger William Andrews sought to have himself and his daughter, Michelle Dominique Andrews registered under section 6(1) of the <i>Indian Act</i>. He claimed discrimination based on race, national or ethnic origin and family status. He challenged the second generation cut-off issue as well as his father's enfranchisement in 1957.</p> <p>The Canadian Human Rights Commission filed an application for Judicial Review of the Canadian Human Rights Tribunal decision in <i>Matson</i> which deemed that the Tribunal did not have jurisdiction to hear the challenge to the registration provisions of the <i>Indian Act</i> as it was not a service as defined by the <i>Canadian Human Rights Act</i>. Filed in 2008, the <i>Matson</i> complaint is brought by siblings (Jeremy Matson, Melody Schneider and Mardy Matson) challenging the registration provisions of the <i>Indian Act</i> and their inability to transmit Indian status to their descendants as discriminatory under the <i>Canadian Human Rights Act</i>, based on sex and family status.</p> <p>---</p> <p>Jeremy Matson has also filed a complaint before the Convention on the Elimination of All Forms of Discrimination against Women that alleges discrimination by the Government of Canada in respect of the rules governing status under the <i>Indian Act</i>. Canada has responded. The claim has not been assessed yet.</p> | <p>Tribunal ruled that the Tribunal did not have jurisdiction to hear the challenges to the registration provisions of the <i>Indian Act</i> as it was not a service as defined by the <i>Canadian Human Rights Act</i>.</p> <p>The Canadian Human Rights Commission filed Judicial Review applications challenging the Tribunal's decisions</p> <p>The Federal Court heard the Judicial Review applications for both <i>Andrews</i> and <i>Matson</i> complaints on August 28, 2014 and dismissed the Applications for Judicial Review on March 30, 2015. The Canadian Human Rights Commission appealed to the Federal Court of Appeal. Appeal hearing occurred January 27, 2016. The appeal was dismissed without costs on July 21, 2016.</p> <p>The CHRC sought leave to appeal the decision of the Federal Court of Appeal to the Supreme Court of Canada (SCC).</p> <p>On March 30, 2017, the SCC granted the application to seek leave to appeal the Federal Court of Appeal's decision without costs.</p> | <p>Factum is due on June 26, 2017.</p> <p>Canada's response Factum is due 8 weeks later (August 21, 2017).</p> <p>SCC Hearing date tentatively set: November 28, 2017</p> |
| <p><i>Atlantic Waste Systems v. Attorney General of Canada and Optimal Collections and Tracing Services Ltd.</i></p> <p>BC Supreme Court</p> | <p>Atlantic Waste operated a landfill on Kwantlen IR # 5 (near Maple Ridge) since 1994. Canada terminated the lease on February 1, 2011 due to ongoing breaches to the environmental provisions of the lease.</p> <p>Atlantic Waste sued Canada for wrongful termination of the lease. Canada counterclaimed against Atlantic Waste to recover its remediation costs.</p> <p>Canada later added Atlantic Waste's president and director</p>   | <p>Canada filed a Consent Dismissal Order as against Hemmera on May 31, 2017.</p>  | <p>Respond to court deadlines as required.</p>  |

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| CASE   | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS  |
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|  | Brent Mann, and its environmental consultant Hemmera Envirochem Inc.   |  |   |
| <i>Bosa v. Canada and the Songhees Nation</i><br><br>Federal Court   | The Plaintiffs filed a statement of claim against Canada and the Songhees Nation seeking to have the rent notice sent by Songhees Nation declared invalid, and alternatively, a court order to determine the annual basic rent payable for the five-year period commencing March 18, 2016 and ending March 17, 2021 regarding lands leased on the Songhees Reserve. The Songhees Nation is a signatory to the Framework Agreement on First Nation Land Management, and has been managing reserve lands under its own land code since October 2011.   | This claim was filed on August 5, 2016.<br><br>Canada filed its defence on September 19, 2017.   | A judicial dispute resolution conference has been scheduled for September 18, 2017. |
| <i>Coldwater</i><br><br>Federal Court of Appeal  | On January 27, 2015 Coldwater Indian Band filed an application for a judicial review of a decision by the Minister of Indian Affairs and Northern Development to consent to the assignment of one pipeline easement on the Coldwater Indian Reserve No. 1.<br><br>The main issue is whether the Minister had an obligation to act solely in the interest of the Coldwater Indian Band by refusing his consent and having consented failed in his duty.<br><br>This Judicial Review concerns only the assignment of an existing pipeline easement, it does not involve the proposed expansion or "twinning" of the Trans Mountain pipeline.<br><br>The Federal Court dismissed the Judicial Review on May 30, and the Band filed a Notice of Appeal on June 14, 2016. | The appeal hearing has been scheduled for June 20, 2017 at the Federal Court of Appeal in Vancouver.   | Await the June 20, 2017 appeal hearing.   |
| <i>Cowichan - Tl'uq̓tinus Lands "Aboriginal rights and Title" case</i><br><br>British Columbia Supreme Court | Department of Transport, Fisheries and Oceans Canada, and INAC are all involved in this case. This case is related to the "Reserve Creation" case directly below. The Cowichan Tribes have filed a new claim for aboriginal title against Canada, British Columbia and the City of Richmond. The plaintiffs are seeking various declarations relating to their asserted aboriginal rights and title to the Lands of Tl'uq̓tinus.<br><br>The Vancouver Fraser Port Authority, the Musqueam Indian   | Canada filed a Notice of Application for an order that the Plaintiffs, or alternatively the province of BC, provide notice of the litigation to private landowners with fee simple interests in the claimed area on April 6, 2017. Canada's application was heard on May 11-12, and the decision was reserved. | Await the court's decision on Canada's application re notice to private landowners. |

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| CASE   | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS                      |
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|  | Band, and the Tsawwassen First Nation have been added as defendants.   |  |                                 |
| <p><i>Cowichan - Tl'uq̓tinus Lands "Reserve Creation" case</i></p> <p>British Columbia Supreme Court</p> | <p>Department of Transport and INAC are co-lead on this case. This case is related to the "Aboriginal Rights and Title" case directly above. The Cowichan Tribes commenced an action in British Columbia Supreme Court on July 19, 2013 against Canada and British Columbia seeking a declaration that both governments breached their pre-Confederation and post-Confederation fiduciary duties to the Cowichan by failing to create an Indian reserve for the band on the south (main) arm of the lower Fraser River at the south shore of Lulu Island (lands at Tl'uq̓tinus). In the alternative, they seek a declaration that Canada and British Columbia breached ongoing constitutional obligations pursuant to Article 13 of the British Columbia Terms of Union to rectify the Crown's original failure to complete the creation of the reserve in accordance with the honour of the Crown. They seek a declaration that Canada holds the federally owned portion of the lands at Tl'uq̓tinus (Federal Tl'uq̓tinus Lands) as a constructive trustee for the Cowichan, and that they are entitled to possession of the lands, as compensation for the breaches of fiduciary duty or constitutional obligation. The lands in question are located in the City of Richmond, British Columbia (within Metro Vancouver) and total approximately 1100 acres. According to the claim, Canada acquired the fee simple interest in approximately 694 acres of the lands in question (which they describe as the Federal Tl'uq̓tinus Lands) between 1968 and 1987, and it subsequently allocated management of these federal lands to the Vancouver Fraser Port Authority.</p> | This case is currently dormant.                                  | This case is currently dormant. |
| <p><i>Esquimalt (Aboriginal Title)</i></p> <p>British Columbia Supreme Court.</p>                        | <p>On February 9, 2016, the Esquimalt Nation filed an action in BC Supreme Court seeking a declaration that the Lekwungen hold unextinguished Aboriginal title to specific areas in Esquimalt including the Esquimalt Nation reserve, the adjacent seafloor, Inskip Island and a portion of the Canadian Forces Base Esquimalt called Work Point Barracks. The</p>   | <p>Canada's Response to Civil Claim was filed June 30, 2016.</p> | <p>Document discovery.</p>      |

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| CASE  | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS                                  |
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|   | Esquimalt Nation also seek an order for possession of the claim area and a declaration that Canada has in the past and continues to unlawfully and unjustifiably infringe on Aboriginal title in these areas.  |  |   |
| <i>Gitanyow / Malii</i><br>British Columbia Supreme Court | The Plaintiffs assert a claim for aboriginal rights and title affirmed in s.35 of the <i>Constitution Act, 1982</i> and seek various declarations and relief, including an order for general, aggravated and punitive damages. This was previously filed in 2003 as a protective writ.   | The plaintiffs filed an amended notice of civil claim on April 4, 2016.<br>Canada filed a response to civil claim on August 5, 2016.<br>The plaintiffs filed a reply on November 30, 2016.   | Respond to any court deadlines as required. |
| <i>Gottfriedson</i><br>Federal Court Trial Division       | This is a class action filed by the Secwepemc and Sechelt Indian Bands with regard to day students who attended classes at a residential school. The class action suit seeks compensation for the day students, their descendants and bands for cultural, linguistic and social damages.   | The Minister's Special Representative, Thomas Isaac, was appointed to engage in exploratory discussions with the Plaintiffs.   | The exploratory discussions are ongoing.    |
| <i>Haida</i><br>British Columbia Supreme Court            | The Haida claim Aboriginal rights and title to Haida Gwaii. The case was in abeyance (since December of 2008), which provided time for the deposition of Haida elders. In February 2012 the Haida gave notice to terminate the Abeyance, and in June, 2012 the Abeyance terminated. No litigation activity occurred until the plaintiffs filed an Amended Notice of Civil Claim on February 6, 2016. Canada filed its Amended Response to Civil Claim on November 10, 2016.<br><br>This multi-department litigation involves INAC, Department of Fisheries, Transport Canada, National Defence, Global Affairs, Natural Resources Canada, Environment, and Parks Canada. | A Case Management Conference was held on April 24, 2017.   | Respond to court deadlines as required.     |
| <i>Hwlitsum</i><br>British Columbia Court of Appeal       | The Hwlitsum First Nation has filed a claim for aboriginal title against, inter alia, Canada, British Columbia, and the City of Vancouver. The plaintiffs are seeking aboriginal title to large portions of southern Vancouver Island, the Gulf Islands, and the Lower Mainland. The Tsawwassen First Nation, Penelakut Tribes, and Musqueam Indian Band were later added as defendants.   | Canada's Notice of Application to strike the plaintiffs' Civil Claim because the plaintiffs do not have standing to bring the action as a representative proceeding was granted on March 24, 2017. Hwlitsum filed a Notice of Appeal on April 7, 2017. | Respond to court deadlines as required.     |

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| CASE   | CASE SUMMARY   | CURRENT STATUS  | NEXT STEPS  |
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| <i>Hul'qumi'num Treaty Group</i><br>Inter-American Commission on Human Rights      | In 2007, the Hul'qumi'num Treaty Group filed a petition before the Inter-American Commission on Human Rights. The Hul'qumi'num alleges that Canada has violated their rights to property, culture, religious freedom, equality and fair trial by alienating most of their claimed traditional territory to private land owners, and allowing the development of their land without proper consultation and compensation. The petition further asserts that the British Columbia Treaty Process and the Canadian judicial system are ineffective mechanisms for resolving their claim.  | The decision from the Inter-American Commission on Human Rights is pending.   | Awaiting the decision from the Inter-American Commission on Human Rights. |
| <i>Huu-ay-aht</i><br>Specific Claims Tribunal                                      | On November 18, 2011, the Huu-ay-aht First Nation filed a claim with the Specific Claims Tribunal alleging that Canada mismanaged the administration of timber on Numukamis Indian Reserve No.1 in the 1940s by failing to terminate a long-term timber licence in 1948.   | On December 12, 2016, the Specific Claims Tribunal awarded \$13,884,000 to the Huu-ay-aht First Nations in compensation for \$207,000 they should have received from selling their timber in 1948.<br><br>Canada has decided to seek judicial review of the Tribunal's decision by the Federal Court of Appeal. | Await the outcome of the JR hearing                                       |
| <i>Ignace</i><br>British Columbia Supreme Court                                    | The Stk'emlupsemc of the Secwepemc Nation, a group that represents the Skeetchestn First Nation and Tk'emlúps te Secwepemc, seeks a declaration of Aboriginal rights and title in relation to part of its traditional territory, damages in respect of unjust infringements of those Aboriginal rights and title, and interim and permanent injunctions preventing activities in relation to a project known as the Ajax Mine. The proposed copper and gold mine is located southwest of Kamloops, BC. Although the claim specifically refers to the lands around Jacko Lake, the Aboriginal title claim includes a much larger area that includes the City of Kamloops. This is a multi-departmental case (INAC, DFO, NRCAN, and CEAA). | The Attorney General of British Columbia and KGHM Ajax Mining Inc. each filed a Response to Civil Claim on January 15, 2016. Canada filed a Response to Civil Claim on March 16, 2016.<br><br>On October 18, 2016, the Plaintiff filed an Amended Notice of Civil Claim.  | Respond to court deadlines as required.                                   |
| <i>Kitselas First Nation (Specific Claims Tribunal)</i><br>Federal Court of Appeal | The Kitselas First Nation alleges that a 9.5 acre portion of land that should have been included by Commissioner O'Reilly in 1891 was unlawfully excluded from the allotment of Kitselas Indian Reserve #1.  | On February 19, 2013, the Specific Claims Tribunal held that Canada breached a fiduciary duty to the Kitselas First Nation in 1891 by excluding lands from one of their reserves during the process of reserve allotment. The   | Canada and the First Nation are working towards settlement.               |

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| CASE   | CASE SUMMARY  | CURRENT STATUS   | NEXT STEPS  |
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|  |   | <p>decision reached conclusions contrary to the positions taken by Canada in several other claims dealing with similar issues.</p> <p>On March 21, 2013, Canada filed a Judicial Review with the Federal Court of Appeal to appeal the Tribunal decision. Both the Union of British Columbia Indian Chiefs and Specific Claims Tribunal intervened in this matter.</p> <p>The Federal Court of Appeal heard this matter on April 7-8, 2014. On June 5, 2014, the Federal Court of Appeal released its decision, and unanimously dismissed Canada's judicial review application. The Court agreed with the Tribunal's decision, finding that it was both reasonable in its determination of fact, and correct in its analysis of the law.</p> |   |
| <p><i>Ktunaxa (Jumbo Glacier)</i><br/>Supreme Court of Canada</p>                | <p>Canada is an intervener in this appeal before the Supreme Court of Canada.</p> <p>This appeal arises from a judicial review brought by the Ktunaxa Nation Council challenging the British Columbia Minister of Forests, Lands and Natural Resource Operations' approval of the development of a ski resort (i.e., Jumbo Glacier) near Invermere, British Columbia.</p> | <p>The First Nation's appeal is centered on the section 2(a) <i>Charter</i> right to freedom of religion. Thirteen other groups intervened in the appeal including the Province of Saskatchewan, Indigenous and religious groups, and the Canadian Chamber of Commerce.</p> <p>The Supreme Court of Canada heard the appeal on December 1, 2016.</p>   | <p>Await the Supreme Court of Canada decision.</p>  |
| <p><i>Lake Babine (Specific Claims Tribunal)</i><br/>Federal Court of Appeal</p> | <p>The Lake Babine Nation claims Canada failed to meet its fiduciary obligations to complete the reserve creation process by not including lands south of the Fulton River in its allotment.</p>  | <p>On October 19, 2015, the Specific Claims Tribunal found that Canada did not breach a legal obligation owed to the First Nation and that the First Nation failed to establish a valid claim under the SCTA. The Claimants filed an application for Judicial Review with the Federal Court of Appeal on November 18, 2015.</p>  | <p>Canada has accepted the First Nation's proposal that they discontinue their judicial review without costs. Counsel for the parties are finalizing a report to the Court of Appeal.</p> |
| <p><i>Mowachaht/Muchalaht</i><br/>British Columbia Supreme Court</p>             | <p>Mowachaht/Muchalaht First Nation allege that Canada dispossessed it of its right to use and occupy San Rafael Island as reserve lands by illegally removing the Island from</p>  | <p>The lawsuit was served on Canada on May 16, 2017.</p>   | <p>Respond to any court deadlines as required.</p>  |



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| CASE   | CASE SUMMARY  | CURRENT STATUS   | NEXT STEPS  |
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|  | reserve status in 1910 and transferring it to DFO to be used as a site for a lighthouse.  |  |   |
| <i>Musqueam</i><br>Federal Court Trial Division  | This claim concerns the determination of the annual "fair rent" to be paid by each of the Plaintiffs (Leaseholders) to the Musqueam Indian Band under their respective leases for each of the 62 lots located on the Musqueam Indian Reserve in BC. The claim was filed after the Musqueam Band and the leaseholders failed to reach a negotiated agreement on the rent for the land.   | During December 5-16, 2016, the Federal Court heard expert appraisal evidence from the leaseholders and Musqueam Indian Band. Final oral arguments were heard from February 6-8, 2017. The Court reserved its decision.<br><br>On May 18, 2017, the Federal Court released its decision in the Muqueam rent review case. | The deadline for any party to file a notice of appeal is June 19, 2017. |
| <i>Nuchatlaht</i><br>B.C. Supreme Court  | The Nuchatlaht claim that British Columbia and Canada have unjustifiably breached their constitutional duties in respect of the aboriginal title of the Claim Area. The Claim Area is located on Nootka Island, which is located off the west coast of Vancouver Island near Tahsis, BC. They are seeking declarations of Aboriginal title and a declaration that the provincial Forest Act and Park Act unjustifiably infringes their title. | The claim was filed on January 20, 2017 in BC Supreme Court.<br><br>Canada filed a Response to Civil Claim on May 1, 2017.   | Document production.  |
| <i>Okanagan Indian Band v. Attorney General of Canada</i><br>B.C. Supreme Court  | The Department of National Defence is the lead on this file.<br><br>Between 1939 and 1990, the Department of National Defence used thousands of acres of Okanagan Indian Reserve No. 1 for military training exercises, under various leases issued by INAC. The plaintiff alleges that DND did not properly remove unexploded munitions.   | A Notice of Civil Claim was filed on October 4, 2016 in BC Supreme Court. Canada filed its Response on February 7, 2017.   | Document production.  |
| <i>Quaaout IR1 Rent Reviews (Little Shuswap)</i><br>Federal Court  | These files are challenges of Little Shuswap Lake cottage lot rent increases. Canada is defending 8 related challenges for lots on Quaaout IR 1. All the plaintiff lessees are self-represented.  | The parties have resolved this matter.   | Finalize the court documents required to resolve this matter.           |
| <i>Saik'uz First Nation and the Stelat'en First Nation v Rio Tinto (Alcan)</i><br><br>"Aboriginal rights and Title" case | The Kenney Dam is a hydroelectric dam constructed in the early 1950's by Rio Tinto (formerly Alcan) on the Nechako River, in northwestern British Columbia. The First Nations' claim that this diversion of the Nechako River creates an ongoing nuisance and interference with proprietary and riparian rights, including s. 35 rights. The plaintiffs seek injunctions and costs.   | On August 12, 2016 the British Columbia Supreme Court ruled that the federal and provincial Crown be added as defendants. Canada and BC filed their Responses January 20, 2017.  | The Court has set the trial date for September 9, 2019.                 |

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| CASE  | CASE SUMMARY   | CURRENT STATUS  | NEXT STEPS   |
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| British Columbia Supreme Court  | This is multi-departmental case involving: INAC, Department of Fisheries, Natural Resources Canada and Environment Canada.   |   |  |
| <i>Sarah Tanchak v. Her Majesty the Queen in Right of British Columbia and Attorney General of Canada</i><br>British Columbia Supreme Court | The Plaintiff claims that the Crown is liable and vicariously liable for all acts and omissions that occurred as a result of the Adopt Indian Metis (AIM) program, including but not limited to, cultural malfeasance, physical abuse, sexual assault, battery, neglect, and misfeasance of public officials acting on behalf of the Crown.  | Plaintiffs' counsel have chosen to focus on resolving carriage rather than engaging in the pan-Canadian resolution discussions. | Carriage motion will be heard on June 21, 2017. Once carriage is determined, a timeline is expected to be set for the certification hearing. |
| <i>Sharon Russell v. Attorney General of Canada</i><br>British Columbia Supreme Court   | Filed in May 2011, this claim concerns the practice of removing Aboriginal children from their families and communities and placing them in the care of non-Aboriginal foster or adoptive homes. The Plaintiff alleges that beginning in 1962 Canada delegated Indian child welfare services to BC Child Welfare and, in doing so, caused ongoing harm to Indian children in care by not taking steps to prevent them from losing their Aboriginal identity and the opportunity to exercise their Aboriginal and treaty rights.            | Plaintiffs' counsel have chosen to focus on resolving carriage rather than engaging in the pan-Canadian resolution discussions. | Carriage motion will be heard on June 21, 2017. Once carriage is determined, a timeline is expected to be set for the certification hearing. |
| <i>Shxw'owhámel First Nation (Shane James et al) Aboriginal Rights and Title case</i><br>British Columbia Supreme Court                     | The Shxw'owhámel First Nation has launched a claim against the Province of British Columbia and Canada seeking declarations of Aboriginal title, rights and interests in relation to parts of its alleged Traditional Territory, along with damages in relation to the operation of the Fraser River Debris Trap. Shxw'owhámel has named Emergency Management BC, BC and Canada as defendants for their respective roles in the operations of the Debris Trap. This is a multi-departmental case involving Transport Canada, INAC and DFO. | Canada filed its Response to the Notice of Civil Claim on March 15, 2017.   | Respond to court deadlines as required.  |
| <i>Snaw-Naw-As</i><br>British Columbia Supreme Court  | The Snaw-Naw-As (previously Nanoose) First Nation seeks return of lands that were taken for railway purposes, initially by the E & N railway. The lands were later transferred to Canadian Pacific Railway and most recently, the Island Corridor Foundation. The Snaw-Naw-As First Nation says the lands are no longer being used for railway purposes and asks for the right of way lands to revert to Canada as reserve   | Canada's Response was filed on April 29, 2016. The Island Corridor Foundation filed its response on February 26, 2016.          | Document production.   |

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| CASE  | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS                                  |
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|   | lands for the use and benefit of the First Nation. This case involves both Transport Canada and INAC.  |  |   |
| <i>Songhees / Chief Robert Sam Esquimalt/Chief Seenupin</i><br><br>British Columbia Supreme Court | In November 2009 Songhees First Nation commenced litigation against Canada and British Columbia. The Plaintiffs allege that Songhees First Nation is one of the beneficiaries under the Chekonein Treaty (Douglas Treaty) and that British Columbia and Canada failed to set aside their village site near Cadboro Bay for them in accordance with the Treaty. In 2012 the Esquimalt Nation commenced similar litigation. The claims are to be heard together. |  |   |
| <i>Spookw</i><br><br>British Columbia Supreme Court (trial) / Court of Appeal (appeal of motion)  | The Plaintiffs in this action seek to halt the treaty negotiations between the Gitksan Treaty Society, British Columbia and Canada. The Plaintiffs allege the Society does not accurately represent the Gitksan people.  | Canada, British Columbia and Gitksan Treaty Society's motions to strike the claim were heard December 3 - 13, 2013.<br><br>On June 18, 2014 the British Columbia Supreme Court released its decision. The Court granted the motions to strike filed by Canada, British Columbia and the Society, and dismissed the case in its entirety.<br><br>On July 17, 2014, the Plaintiffs filed a Notice of Appeal with the British Columbia Court of Appeal seeking to appeal the decision. The appeal hearing was held on September 12 and 13, 2016.<br><br>On January 12, 2017 Justice Harris (concurring by Justice Goepel and Justice Savage) of the BC Court of Appeal confirmed the dismissal of the plaintiffs' claims against Canada and the other defendants. | Respond to any court deadlines as required. |
| <i>Sts'ailes (Chief Harvey Paul)</i><br><i>Aboriginal rights and Title case</i>                   | This was originally filed in 2003 as a protective writ and was amended in June 2016 as a Notice of Civil Claim. The  | Responding to court deadlines as required.   | Respond to court deadlines as required.     |

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| CASE   | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS  |
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| British Columbia Supreme Court   | <p>Plaintiffs seek a declaration of Aboriginal Title and Rights over a claim area in Southwestern BC (Harrison Lake and Lower Lillooet River watersheds and a portion of the Fraser River, and including Harrison Hot Springs and Agassiz). The Plaintiffs claim various infringements of their rights and title.</p> <p>The Plaintiffs claim virtually identical infringements of rights and title to the Harrison-Chehalis Terminal Fishery Management Area, which lays within the larger claim area. This is a multidepartmental case involving INAC, DFO and Agriculture and Agri-Food Canada (AAFC)</p>   |  |   |
| <p><i>Taseko Mines v. AGC and Canadian Environmental Assessment Agency</i></p> <p>British Columbia Supreme Court</p> | <p>In their Notice of Civil Claim Taseko Mines alleges that the Crown owed Taseko a duty of care to deal fairly and openly with Taseko.</p> <p>The Notice alleges that "Aboriginal Interested Parties" submitted information to the Minister of the Environment and Minister responsible for the Canadian Environmental Assessment Agency for her consideration in rendering a decision under the <i>Canadian Environmental Assessment Act</i>. Taseko claims it was never provided a copy of this information, nor did it have the opportunity to respond. Relief sought is unspecified general damages, punitive damages, interest, costs and other relief which the Court may deem appropriate.</p> <p>This is a multi-departmental case involving: CEAA / Environment Canada, NRCAN, DFO and INAC.</p> | <p>The Crown's response to the Notice of Civil Claim was filed on April 15, 2016.</p> <p>No trial date has been set.</p> | The litigation is currently dormant.                |
| <p><i>Tk'emlups</i></p> <p>British Columbia Supreme Court</p>  | The Tk'emlups Indian Band (aka Kamloops Indian Band) are alleging that Kamloops Indian Reserve #1 was originally allotted as a much larger reserve which was later unlawfully reduced. They seek the return of that land or compensation for the loss.   |  |   |
| <p><i>Tobacco Plains</i></p> <p>Specific Claims Tribunal</p>   | The Tobacco Plains Indian Band filed this claim on April 29, 2014. The Band alleges that Canada breached statutory and legal obligations in relation to the expropriation of 2.97 acres of land and water resources for the Roosville Customs House  | A hearing regarding the validity of this claim was held from May 29-31, 2017.  | Await the decision of the Specific Claims Tribunal. |

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| CASE  | CASE SUMMARY   | CURRENT STATUS   | NEXT STEPS  |
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|   | on Tobacco Plains Indian Reserve No. 2 in 1915.  |  |   |
| <i>Trans Mountain Pipeline Expansion Project JRs</i><br><br>Federal Court of Appeal | Four Judicial Reviews (by four First Nations) were filed challenging the NEB Report recommending that the Governor in Council approve the Trans Mountain Pipeline Expansion Project. In addition, applications for leave for Judicial Review were filed by six indigenous groups challenging the Governor in Council's issuance of an Order in Council (OIC) approving the Project.<br><br>NRCan is the lead federal department in this multi-department litigation.   | The Federal Court of Appeal heard the leave to Judicial Review applications.   | Await the Federal Court of Appeal decision on the leave to Judicial Review applications.                                |
| <i>Williams Lake (Specific Claims Tribunal)</i><br><br>Supreme Court of Canada      | The Williams Lake Indian Band traditionally occupied settlements in the area in and around what is now the City of Williams Lake.<br><br>The Band claims that Canada breached pre-Confederation and post-Confederation lawful obligations by allowing village sites to be pre-empted by settlers in contravention of colonial statutes and by failing to rectify the breach during the post-confederation reserve allotment process.   | On February 28, 2014, the Tribunal found that Canada was liable for statutory and fiduciary breaches by the Colonial Crown and for post-Confederation acts or omissions under s.14(1)(b) and 14(1)(c) of the <i>Specific Claims Tribunal Act</i> .<br><br>On February 29, 2016 the Federal Court of Appeal set aside the Tribunal's decision and found that Canada did not breach any legal obligations and that Canada is not liable for any possible breaches of legal obligations by the colony of British Columbia.<br><br>The Claimant filed an application for leave to appeal to the Supreme Court of Canada which was granted on October 13, 2016. | The Supreme Court of Canada hearing took place on April 27, 2017. The Court's decision is expected within 10-12 months. |
| <i>Willson / West Moberly</i><br><br>British Columbia Supreme Court                 | On August 4, 2005 six Treaty 8 British Columbia First Nations sued British Columbia and Canada seeking a declaration that the location of the western boundary of Treaty 8 follows the Arctic-Pacific watershed line: a line defined as the "central range of the Rocky Mountains" in the text of Treaty No. 8. Prophet River and Fort Nelson First Nations were removed by consent. The remaining Plaintiff Treaty 8 First Nations are West Moberly, Halfway River, Sauteau, and Doig River. The Defendants are the McLeod Lake Indian Band, the Attorney | The Trial concluded with Closing oral arguments concluded on November 25, 2016 in the Supreme Court of British Columbia. The Court reserved Judgment.  | Await the court's decision.   |

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| CASE  | CASE SUMMARY   | CURRENT STATUS  | NEXT STEPS                           |
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|   | General for Canada, the Attorney General for the Province of British Columbia, and the Kaska Dena Council.   |   |                                      |
| <i>We Wai Kai Nation v. HMTQ Canada</i><br><br>Specific Claims Tribunal | The We Wai Kai Nation filed a Declaration of Claim before the Specific Claims Tribunal on June 23, 2014. The Claimant alleges that Canada breached fiduciary and legal obligations that resulted in the We Wai Kai Nation's loss of its entitlement to a portion of the Drew Harbour Indian Reserve. | In April 2016, Canada files its amended response to the amended declaration of claim. | Continued process towards a hearing. |
|   |  |   |                                      |

**From:** Michael Morabito  
**Sent:** 5/31/2017 4:22:51 PM  
**To:** Shawn.Crawford@aandc-aadnc.gc.ca; James.Moxon@aandc-aadnc.gc.ca; Feroza.Pirmohamed@aandc-aadnc.gc.ca  
**CC:** David.Becker@aandc-aadnc.gc.ca  
**BCC:** Michael.Morabito@aandc-aadnc.gc.ca; Michael.Morabito@aandc-aadnc.gc.ca  
**Subject:** Re: Fwd: Sts'ailes ab title - input for BC Region scenario note

Attached is the updated Sts'ailes case summary for the BC Region scenario note. This incorporates comments from James Moxon. This version is ready to send to DGO for approval.

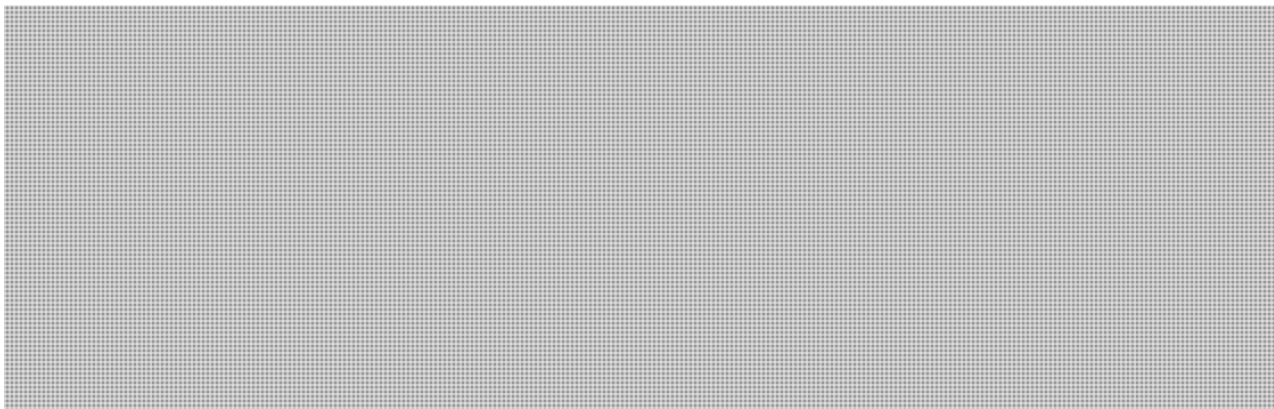
Michael

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**Background:**

This litigation was originally filed in 2003 against both the Province of British Columbia and Canada as a protective writ, and was amended in June 2016 as a Notice of Civil Claim. The Plaintiffs seek a declaration of Aboriginal Title and Rights over a claim area in Southwestern BC (Harrison Lake and Lower Lillooet River watersheds and a portion of the Fraser River, including Harrison Hot Springs and Agassiz), The Plaintiffs claim various infringements of their rights and title. The Plaintiffs claim virtually identical infringements of rights and title to the Harrison-Chehalis Terminal Fishery Management Area, which lays within the larger claim area. This is a multidepartmental case involving INAC, Department of Fisheries and Agriculture and Agri-Food Canada.

Current status: There is no Court-ordered deadline for Canada's Response.



*Released under the Access  
to Information Act*

*Communiqué en vertu de la  
Loi sur l'Accès à  
l'information*





## APPROBATION DE DOCUMENT DOCUMENT APPROVAL

|  |   |
|--|---|
| <b>DOCUMENT:</b>   |   |
| WebCIMS<br>MT512   | N° du SGGID - CIDM No.<br>BC key cases list #2624029 & Scenario note input #3636026 |
| Objet - Subject<br>Minister's Trip to Vancouver for the First Nation Summit on June 9, 2017 - Sts'ailes ab title - input for BC Region scenario note |   |
| Produit - Product<br>Planification de voyage - Trip Planning   | À l'intention de - Addressed To<br>Ministre - Minister                              |
| Auteur - Originator<br>Michael Morabito  | Numéro de téléphone - Telephone Number<br>(604) 666-5283                            |

|  |
|--|
| Échéancier - Timing: <input type="checkbox"/> Urgent ► Justification |
|--|

| CONSULTATIONS:                 |                  |            |      |
|--------------------------------|------------------|------------|------|
| Secteur/Région - Sector/Region | Poste - Position | Nom - Name | Date |
|                                |                  |            |      |
|                                |                  |            |      |
|                                |                  |            |      |
|                                |                  |            |      |

| <b>APPROBATION - APPROVALS:</b>                       |                    |                 |           |                              |
|---|--------------------|-----------------|-----------|------------------------------|
| <b>Secteur responsable - Lead Sector</b>              |                    |                 |           |                              |
| Secteur/Région - Sector/Region                        | Poste - Position   | Nom - Name      | Signature | Date                         |
| POS - PSD   | Directeur-Director | James Moxon     | JM        | 2017-05-31                   |
| POS - PSD   | DG                 | Michelle Adkins |           |                              |
|   |                    |                 |           |                              |
|   |                    |                 |           |                              |
|   |                    |                 |           |                              |
| Sous-ministre<br>Deputy Minister                      |                    |                 |           | (AAAA-MM-JJ)<br>(YYYY-MM-DD) |
| Sous-ministre délégué(e)<br>Associate Deputy Minister |                    |                 |           | (AAAA-MM-JJ)<br>(YYYY-MM-DD) |

|   |                    |
|---|--------------------|
| <b>INFORMATION ADDITIONNELLES - ADDITIONAL INFORMATION:</b> |                    |
| Mode de transmission - Special Instructions                 | Responsable - Lead |
| Instructions spéciales - Special Instructions               |                    |



## APPROBATION DE DOCUMENT DOCUMENT APPROVAL

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| <b>DOCUMENT:</b>   |   |
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| Auteur - Originator<br>Michael Morabito  | Numéro de téléphone - Telephone Number<br>(604) 666-5283                            |

|  |
|--|
| Échéancier - Timing: <input type="checkbox"/> Urgent <input checked="" type="checkbox"/> Justification |
|--|

| CONSULTATIONS:                 |                  |            |      |
|--------------------------------|------------------|------------|------|
| Secteur/Région - Sector/Region | Poste - Position | Nom - Name | Date |
|                                |                  |            |      |
|                                |                  |            |      |
|                                |                  |            |      |
|                                |                  |            |      |

| <b>APPROBATION - APPROVALS:</b>                       |                    |                 |            |                            |
|---|--------------------|-----------------|------------|----------------------------|
| <b>Secteur responsable - Lead Sector</b>              |                    |                 |            |                            |
| Secteur/Région - Sector/Region                        | Poste - Position   | Nom - Name      | Signature  | Date                       |
| POS - PSD   | Directeur-Director | James Moxon     | JM         | 2017-05-31                 |
| POS - PSD   | DG                 | Michelle Adkins | H M Adkins | June 1/17                  |
|   |                    |                 |            |                            |
|   |                    |                 |            |                            |
|   |                    |                 |            |                            |
| Sous-ministre<br>Deputy Minister                      |                    |                 |            | (AAAA-MMJJ)<br>(YYYY-MMDD) |
| Sous-ministre délégué(e)<br>Associate Deputy Minister |                    |                 |            | (AAAA-MMJJ)<br>(YYYY-MMDD) |

|   |                    |
|---|--------------------|
| <b>INFORMATION ADDITIONNELLES - ADDITIONAL INFORMATION:</b> |                    |
| Mode de transmission - Special Instructions                 | Responsable - Lead |
| Instructions spéciales - Special Instructions               |                    |

**From:** Lynn Hurtubise  
**To:** Michaud, Annik; Morabito, Michael; Moxon, James; Pirmohamed, Feroza  
**Date:** 6/1/2017 10:56 AM  
**Subject:** MT512 - Min Trip to Vancouver for the First Nation Summit on June 9, 2017 - Sts'ailes  
ab title - input for BC Region Scenario note  
**Attachments:** 20170601\_143843.pdf

Hi Folks,

Just to let you all know that Michelle has approved the above noted file and the information can be processed. I have sent you both (WLD and SADMO) an assignment.

Please advise if anything else is needed from DGO.

thx  
Lynn

**From:** Michael Morabito  
**To:** Annik Michaud; Feroza Pirmohamed; James Dean Waryk; James Moxon; Lyn...  
**Date:** 6/1/2017 11:02 AM  
**Subject:** Re: MT512 - Min Trip to Vancouver for the First Nation Summit on June 9, 2017 -  
Sts'ailes ab title - input for BC Region Scenario note

Thanks Lynn - I will now send our DGO approved info package to BC Region.

>>> Lynn Hurtubise 6/1/2017 10:55 AM >>>  
Hi Folks,

Just to let you all know that Michelle has approved the above noted file and the information can be processed. I have sent you both (WLD and SADMO) an assignment.

Please advise if anything else is needed from DGO.

thx  
Lynn

**From:** James Moxon  
**To:** Hurtubise, Lynn; Michaud, Annik; Morabito, Michael; Pirmohamed, Feroza  
**Date:** 6/1/2017 11:18 AM  
**Subject:** Re: MT512 - Min Trip to Vancouver for the First Nation Summit on June 9, 2017 -  
Sts'ailes ab title - input for BC Region Scenario note

Thanks Lynn. that's it for now. though will let you know if we hear of any updates from RDGO to changes in the agenda- that require us to add anything. Looks like they are still refining the agenda based on daily trip planning calls.

Michael- thanks for providing the material to RDGO to insert in the binder material.

James

>>> Lynn Hurtubise 6/1/2017 10:55 AM >>>  
Hi Folks,

Just to let you all know that Michelle has approved the above noted file and the information can be processed. I have sent you both (WLD and SADMO) an assignment.

Please advise if anything else is needed from DGO.

thx  
Lynn

**From:** MinTripsMeetings  
**To:** Michael Morabito  
**CC:** Philippe Robert; kamal.monga@canada.ca  
**Date:** 6/5/2017 6:11 AM  
**Subject:** Fwd: MT512 - outstanding pieces for Qs&As and list of active cases

Good morning,

We have been told that you and your team are responsible for the list of key active cases in BC. Could you please tell us if it is possible to get an unclassified version, since the Minister doesn't like to travel with protected binders? Please advise.

Thanks,

Geneviève

Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère  
>>> MinTripsMeetings 6/5/2017 9:03 AM >>>  
Good morning,

We've received the scenario note and Q&As from TAG-West (lead), but apparently the review of laws and policies piece is still outstanding (due: on June 1 at noon). Also, we've noticed that the TRC Commission Commitments is also missing from the Q&As, can we also get an ETA for this piece (also due at noon on June 1)? We have the TRC Calls to Actions piece, but from what we've gathered, there was supposed to be two parts (TRC Commission Commitments and TRC Calls to Actions). Do you have an ETA on when we can expect it?

Also, on another note, do you have a unclassified version of the list of key active cases in BC? We understand that it was requested by BC, but the Minister doesn't like to travel with protected binder - so is there a way to get an unclassified version?

Thanks,

Geneviève

Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère

**From:** Michael Morabito <michael.morabito@aandc-aadnc.gc.ca>  
**To:** Christine.Hall@aandc-aadnc.gc.ca, Natalie.Byers@aadnc-aandc.gc.ca  
**CC:** Michael.Morabito@aandc-aadnc.gc.ca, James.Moxon@aandc-aadnc.gc.ca, Allan...  
**Date:** 6/5/2017 7:17 AM  
**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases

Hi Christine/Natalie - please see below request for unclassified version of List of Key Active BC cases we sent up last week (I think our list is marked "protected B". Can you please review you cases on the list to ensure any protected info is removed. I will do the same for the cases managed by our office. Please let me know if you need me to resend to you the CIDMS reference to the list. Please also let me know when you are done. Thanks.

Michael

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Michael Morabito

Sent: Monday, June 5, 2017 7:11 AM

To: MinTripsMeetings

Cc: Michael Morabito; James Moxon; Philippe Robert; kamal.monga@canada.ca

Subject: Re: MT512 - outstanding pieces for Qs&As and list of active cases

Good morning - Yes LMRB can provide an unclassified version of the List of Key Active BC cases. We will get this to you asap today.

Michael

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Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère



**From:** James Moxon <james.moxon@aadnc-aadnc.gc.ca>  
**To:** Michelle.Adkins@aadnc-aadnc.gc.ca  
**CC:** Michael.Morabito@aadnc-aadnc.gc.ca, Feroza.Pirmohamed@aadnc-aadnc.gc.ca,...  
**Date:** 6/5/2017 7:19 AM  
**Subject:** Fw: MT512 - outstanding pieces for Qs&As and list of active cases

Michelle- we've been asked below for an unprotected version of the list of key cases. We will put one together and send to you for approval. The case specific backgrounder and qanda piece for the aboriginal title case we provided to you for the trip material was unclassified and did not have protected info in it- recalled from last trip this preference for scenario note material- now extended to all material. Unknown whether Minister in fact will be meeting with that FN- as of friday agenda was still unconfirmed. I do remember at for a previous trip that we developed a parallel protected version of a scenario note for ministerial staff and an unprotected version for trip binder as there was important info that needed to be conveyed. Not necessary for this trip.

James

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Michael Morabito <michael.morabito@aadnc-aadnc.gc.ca>

Sent: Monday, June 5, 2017 7:11 AM

To: MinTripsMeetings

Cc: Michael Morabito; James Moxon; Philippe Robert; kamal.monga@canada.ca

Subject: Re: MT512 - outstanding pieces for Qs&As and list of active cases

Good morning - Yes LMRB can provide an unclassified version of the List of Key Active BC cases. We will get this to you asap today.

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From: MinTripsMeetings

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Horizontal Coordination - Ministerial Trips and Meetings |  
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Corporate Secretariat | Secrétariat du Ministère

>>> MinTripsMeetings 6/5/2017 9:03 AM >>>

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Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère

**From:** Christine Hall  
**To:** Michael Morabito; Natalie Byers  
**CC:** Allan Burnside; James Moxon; Marc-André Millaire  
**Date:** 6/5/2017 7:39 AM  
**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases

Done for our team.

Christine

>>> Michael Morabito <michael.morabito@aandc-aadnc.gc.ca> 6/5/2017 8:17 AM >>>  
Hi Christine/Natalie - please see below request for unclassified version of List of Key Active BC cases we sent up last week (I think our list is marked "protected B". Can you please review you cases on the list to ensure any protected info is removed. I will do the same for the cases managed by our office. Please let me know if you need me to resend to you the CIDMS reference to the list. Please also let me know when you are done. Thanks.

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**To:** MinTripsMeetings  
**Cc:** Michael Morabito; James Moxon; Philippe Robert; kamal.monga@canada.ca  
**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases

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Coordination horizontale - Voyages et réunions ministériels  
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Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère

**From:** Michael Morabito  
**To:** Christine Hall; Natalie Byers  
**CC:** Allan Burnside; James Moxon; Marc-André Millaire  
**Date:** 6/5/2017 10:29 AM  
**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases  
**Attachments:** VANCOUVR-2624029.DOCX.DRF

Thanks Christine.

Natalie can you please let me know when Allan's team is done its review with your cases on the attached BC list. Thanks.

Michael

>>> Christine Hall 6/5/2017 7:39 AM >>>  
Done for our team.

Christine

>>> Michael Morabito <michael.morabito@aandc-aadnc.gc.ca> 6/5/2017 8:17 AM >>>  
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Michael

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Michael Morabito  
**Sent:** Monday, June 5, 2017 7:11 AM  
**To:** MinTripsMeetings  
**Cc:** Michael Morabito; James Moxon; Philippe Robert; kamal.monga@canada.ca  
**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases

Good morning - Yes LMRB can provide an unclassified version of the List of Key Active BC cases. We will get this to you asap today.

Michael

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Horizontal Coordination - Ministerial Trips and Meetings |  
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Corporate Secretariat | Secrétariat du Ministère

**From:** Natalie Byers  
**To:** Christine Hall; Michael Morabito  
**CC:** Allan Burnside; James Moxon; Marc-André Millaire  
**Date:** 6/5/2017 10:41 AM  
**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases

Done

Natalie Byers

Gestionnaire de recherche, Opérations de litiges et politiques - Est

Direction générale de la gestion et du règlement des litiges  
Affaires autochtones et du Nord Canada / Gouvernement du Canada  
natalie.byers@aadnc-aandc.gc.ca / Tél. : 819-934-1972

Research Manager, Litigation Operations & Policy - East  
Litigation Management and Resolution Branch  
Indigenous and Northern Affairs Canada / Government of Canada  
natalie.byers@aadnc-aandc.gc.ca / Tel : 819-934-1972

Please feel free to reply in the official language of your choice.

N'hésitez pas à me répondre dans la langue officielle de votre choix.

>>> Michael Morabito 5/6/2017 1:29 PM >>>

Thanks Christine.

Natalie can you please let me know when Allan's team is done its review with your cases on the attached BC list. Thanks.

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>>> Christine Hall 6/5/2017 7:39 AM >>>

Done for our team.

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**From:** Michael Morabito

**Sent:** Monday, June 5, 2017 7:11 AM

**To:** MinTripsMeetings

**Cc:** Michael Morabito; James Moxon; Philippe Robert;  
kamal.monga@canada.ca

**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases

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Corporate Secretariat | Secrétariat du Ministère

*Released under the Access  
to Information Act*

*Communiqué en vertu de la  
Loi sur l'Accès à  
l'information*

**From:** Michael Morabito  
**To:** Lynn Hurtubise  
**CC:** Allan Burnside; Christine Hall; Feroza Pirmohamed; James Moxon; Marc...  
**Date:** 6/5/2017 11:33 AM  
**Subject:** Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases  
**Attachments:** VANCOUVR-2624029.DOCX.DRF

Lynn - further to James's email below, attached is the updated List of Key Active cases in British Columbia which has now been revised today by all 3 Directorates to remove any protected info. The document is now marked unclassified. Can you please print off of the attached revised List, and put in Michelle's book for approval. Thanks.

Michael

>>> James Moxon <james.moxon@aandc-aadnc.gc.ca> 6/5/2017 7:18 AM >>>

Michelle- we've been asked below for an unprotected version of the list of key cases. We will put one together and send to you for approval. The case specific backgrounder and qanda piece for the aboriginal title case we provided to you for the trip material was unclassified and did not have protected info in it- recalled from last trip this preference for scenario note material- now extended to all material. Unknown whether Minister in fact will be meeting with that FN- as of friday agenda was still unconfirmed. I do remember at for a previous trip that we developed a parallel protected version of a scenario note for ministerial staff and an unprotected version for trip binder as there was important info that needed to be conveyed. Not necessary for this trip.

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**To:** MinTripsMeetings  
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**Cc:** Philippe Robert; kamal.monga@canada.ca  
**Subject:** Fwd: MT512 - outstanding pieces for Qs&As and list of active cases

Good morning,

We have been told that you and your team are responsible for the list of key actives cases in BC. Could you please tell us if it is possible to get an unclassified version, since the Minister doesn't like to travel with protected binders? Please advise.

Thanks,

Geneviève

Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels

Corporate Secretariat | Secrétariat du Ministère

>>> MinTripsMeetings 6/5/2017 9:03 AM >>>

Good morning,

We've received the scenario note and Q&As from TAG-West (lead), but apparently the review of laws and policies piece is still outstanding (due: on June 1 at noon). Also, we've noticed that the TRC Commission Commitments is also missing from the Q&As, can we also get an ETA for this piece (also due at noon on June 1)? We have the TRC Calls to Actions piece, but from what we've gathered, there was supposed to be two parts (TRC Commission Commitments and TRC Calls to Actions). Do you have an ETA on when we can expect it?

Also, on another note, do you have a unclassified version of the list of key active cases in BC? We understand that it was requested by BC, but the Minister doesn't like to travel with protected binder - so is there a way to get an unclassified version?

Thanks,

Geneviève

Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels

Corporate Secretariat | Secrétariat du Ministère

**From:** Lynn Hurtubise  
**To:** Morabito, Michael  
**Date:** 6/6/2017 2:44 PM  
**Subject:** Fwd: For DG approval ----- Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases  
**Attachments:** 20170606\_182732\_1.pdf

Approved - for you action :)

>>> Michael Morabito 6/5/2017 8:02 PM >>>

Lynn - my apologies, when I sent the attached List to you earlier today, I should have put "For DG approval" in the re line.

Again my apologies.

Michael

**Lynn Hurtubise - Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases**

**From:** Michael Morabito  
**To:** Lynn Hurtubise  
**Date:** 6/5/2017 2:33 PM  
**Subject:** Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases  
**CC:** Allan Burnside; Christine Hall; Feroza Pirmohamed; James Moxon; Marc...  
**Attachments:** VANCOUVR-2624029.DOCX.DRF

I approve:

Michelle Adkins, Director General

JUN 06 2017

Lynn - further to James's email below, attached is the updated List of Key Active cases in British Columbia which has now been revised today by all 3 Directorates to remove any protected info. The document is now marked unclassified. Can you please print off of the attached revised List, and put in Michelle's book for approval. Thanks.

Michael

>>> James Moxon <james.moxon@aandc-aadnc.gc.ca> 6/5/2017 7:18 AM >>>  
Michelle- we've been asked below for an unprotected version of the list of key cases. We will put one together and send to you for approval. The case specific backgrounder and qanda piece for the aboriginal title case we provided to you for the trip material was unclassified and did not have protected info in it- recalled from last trip this preference for scenario note material- now extended to all material. Unknown whether Minister in fact will be meeting with that FN- as of Friday agenda was still unconfirmed. I do remember at for a previous trip that we developed a parallel protected version of a scenario note for ministerial staff and an unprotected version for trip binder as there was important info that needed to be conveyed. Not necessary for this trip.

James

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Michael Morabito <michael.morabito@aandc-aadnc.gc.ca>  
**Sent:** Monday, June 5, 2017 7:11 AM  
**To:** MinTripsMeetings  
**Cc:** Michael Morabito; James Moxon; Philippe Robert; kamal.monga@canada.ca  
**Subject:** Re: MT512 - outstanding pieces for Qs&As and list of active cases

Good morning - Yes LMRB can provide an unclassified version of the List of Key Active BC cases. We will get this to you asap today.

Michael

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** MinTripsMeetings  
**Sent:** Monday, June 5, 2017 6:11 AM  
**To:** Michael Morabito  
**Cc:** Philippe Robert; kamal.monga@canada.ca  
**Subject:** Fwd: MT512 - outstanding pieces for Qs&As and list of active cases

Good morning,

We have been told that you and your team are responsible for the list of key actives cases in BC. Could you

file:///C:/Users/hurtubise/AppData/Local/Temp/1/XPgrpwise/59356BCCHQCC-RG100164... 6/6/2017

|  |   |                                |   |                          |   |  |
|--|---|--------------------------------|---|--------------------------|---|--|
|  | Assembly of First Nations/First Nations Child and Family Care Society of Canada | Canadian Human Rights Tribunal | Akisiq'nuk First Nation v. HMTQ (Macias-Tatley) | Specific Claims Tribunal | (Federal Court of Appeal - under Judicial Review) | Andrews (Canadian Human Rights Tribunal) |
|--|---|--------------------------------|---|--------------------------|---|--|

*Released under the Access  
to Information Act  
Communiqué en vertu de la  
Loi sur l'accès à  
l'information*

**From:** Lynn Hurtubise <Lynn.Hurtubise@aadnc-aandc.gc.ca>  
**To:** Michael.Morabito@aadnc-aandc.gc.ca  
**Date:** 6/6/2017 3:49 PM  
**Subject:** Re: For DG approval ----- Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases

Did James submit that or you? If James did then he might have the approval. Let me know as I can connect to Citrix as I just got in the door.

Sent from my BlackBerry 10 smartphone.

From: Michael Morabito

Sent: Tuesday, June 6, 2017 6:45 PM

To: Lynn Hurtubise

Cc: James Moxon; Feroza Pirmohamed

Subject: Fwd: For DG approval ----- Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases

Thanks Lynn for advising the Michelle has approved the BC list of cases. I will send this off to the folks in HQ responsible for the Minister's trip package.

Question - we also submitted a one-page document for Michelle's approval to go with this BC List. Please see my attached email. Did Michelle also approve this one-pager?

Michael

>>> Lynn Hurtubise 6/6/2017 2:44 PM >>>  
Approved - for you action :)

>>> Michael Morabito 6/5/2017 8:02 PM >>>  
Lynn - my apologies, when I sent the attached List to you earlier today, I should have put "For DG approval" in the re line.

Again my apologies.

Michael



**From:** Michael Morabito  
**To:** MinTripsMeetings  
**CC:** Feroza Pirmohamed; James Moxon; Philippe Robert; kamal.monga@canada.ca  
**Date:** 6/6/2017 3:52 PM  
**Subject:** Re: Fwd: MT512 - outstanding pieces for Qs&As and list of active cases  
**Attachments:** VANCOUVR-#2624029-v31-BC\_CIDM\_-  
\_LIST\_OF\_KEY\_ACTIVE\_CASES\_IN\_BC.DOCX

Hello - as per your request, attached is an unclassified version of LMRB's List of Key Active Cases in British Columbia. This List has been approved by our DG of LMRB.

As per your additional request, we have also prepared a brief summary (few paragraphs) on BC litigation to accompany this List. This brief summary is with our DG for approval, and we will send it to you as soon as it is approved.

Michael

>>> MinTripsMeetings 6/5/2017 6:09 AM >>>  
Good morning,

We have been told that you and your team are responsible for the list of key active cases in BC. Could you please tell us if it is possible to get an **unclassified version**, since the Minister doesn't like to travel with protected binders? Please advise.

Thanks,

Geneviève

Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère  
>>> MinTripsMeetings 6/5/2017 9:03 AM >>>  
Good morning,

We've received the scenario note and Q&As from TAG-West (lead), but apparently the review of laws and policies piece is still outstanding (due: on June 1 at noon). Also, we've noticed that the TRC Commission Commitments is also missing from the Q&As, can we also get an ETA for this piece (also due at noon on June 1)? We have the TRC Calls to Actions piece, but from what we've gathered, there was supposed to be two parts (TRC Commission Commitments and TRC Calls to Actions). Do you have an ETA on when we can expect it?

Also, on another note, do you have an unclassified version of the list of key active cases in BC? We understand that it was requested by BC, but the Minister doesn't like to travel with protected binder - so is there a way to get an unclassified version?

Thanks,

Geneviève

Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère

**From:** Michael Morabito  
**To:** Lynn Hurtubise  
**Date:** 6/6/2017 3:55 PM  
**Subject:** Re: For DG approval ----- Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases  
**Attachments:** Re: For DG approval ---- Summary of BC litigation for Ministers Trip to MC on June 9

I submitted the attached one-pager to you via separate email yesterday (after we sent the BC List to you) as the Minister Trip group requested this one-pager after we had submitted the list to you.

>>> Lynn Hurtubise <Lynn.Hurtubise@aadnc-aandc.gc.ca> 6/6/2017 3:48 PM >>>  
Did James submit that or you? If James did then he might have the approval. Let me know as I can connect to Citrix as I just got in the door.

Sent from my BlackBerry 10 smartphone.

**From:** Michael Morabito  
**Sent:** Tuesday, June 6, 2017 6:45 PM  
**To:** Lynn Hurtubise  
**Cc:** James Moxon; Feroza Pirmohamed  
**Subject:** Fwd: For DG approval ----- Re: Fw: MT512 - outstanding pieces for Qs&As and list of active cases

Thanks Lynn for advising the Michelle has approved the BC list of cases. I will send this off to the folks in HQ responsible for the Minister's trip package.

Question - we also submitted a one-page document for Michelle's approval to go with this BC List. Please see my attached email. Did Michelle also approve this one-pager?

Michael

>>> Lynn Hurtubise 6/6/2017 2:44 PM >>>  
Approved - for you action :)

>>> Michael Morabito 6/5/2017 8:02 PM >>>  
Lynn - my apologies, when I sent the attached List to you earlier today, I should have put "For DG approval" in the re line.

Again my apologies.

Michael

**From:** Michael Morabito  
**To:** Lynn Hurtubise  
**CC:** James Moxon  
**Date:** 6/5/2017 5:06 PM  
**Subject:** Re: For DG approval ---- Summary of BC litigation for Ministers Trip to MC on June 9  
**Attachments:** VANCOUVR-3641423.DOCX.DRF

Lynn - further to request below, can you please print the attached one-page brief summary of BC litigation for Michelle's approval. This brief summary has been requested by our HQ contacts below who are putting together the Minister's trip binder. They have asked for this brief summary to accompany the List of Key Active Cases in BC which I sent to you earlier today also for Michelle's approval. Thanks.

Michael

>>> "Monga, Kamal (AADNC/AANDC)" <kamal.monga@canada.ca> 6/5/2017 1:18 PM >>>

Hello Michael,

For the Ministers meeting on June 6 with the First Nations Submit, we received a detailed table about the litigations in the BC region, classified as "protected". Philippe requested an unclassified version, which is awaited. I am wondering, if it is not too much, can we get just 1 -2 paragraphs, providing a summary of litigations for the convenience of the person who is going to brief the Minister. Would really appreciate it if you could send it with the unprotected version that you are working on. Thx.

Regards

Kamal Monga, LL.B  
Senior Advisor/ Horizontal Coordination - Ministerial Trips and Meetings  
Aboriginal Affairs and Northern Development Canada (AANDC)  
10 Rue Wellington, Gatineau, Quebec K1A 0H4, Canada  
[Kamal.Monga@Canada.ca](mailto:Kamal.Monga@Canada.ca)  
Tél: 819-743-2061

Active Indigenous-related litigation in British Columbia covers a broad range of subject areas and issues such as: Aboriginal rights and title, Crown duty to consult, Children's Issues, Human Rights, historic land transactions, historic treaties, environmental review/contamination, reserve lands-related disputes (i.e. leases, easements, rent reviews, surveys, rights-of-way, personal injury), Crown duty to consult, and resource development. These cases seek to challenge both historic Crown conduct and decisions, as well as challenge recent or current Crown decisions, programs and policies.

Some cases are in the litigation process (i.e. pleadings, discoveries, trial, appeal), whereas other cases are in resolution process (i.e. exploratory discussions, mediation, settlement negotiations). The cases are also proceeding through a number of different courts levels including: British Columbia Supreme Court, British Columbia Court of Appeal, Supreme Court of Canada, Federal Court, Federal Court of Appeal, Specific Claims Tribunal, and Canadian Human Rights Tribunal.

Although Canada is the sole defendant in some cases, in many cases there are also other co-defendants and intervenors involved such as: the Province of British Columbia, other First Nations, resource and railway companies, and municipalities. In some cases, INAC is the sole federal client involved, but in many other cases, such as those relating to resource development and environmental screening and review, there is one or more other federal departments directly implicated and involved in the litigation along with INAC. The attached List provides more specific details regarding key and active cases in British Columbia.

**From:** Michael Morabito  
**To:** Lynn Hurtubise  
**Date:** 6/6/2017 4:11 PM  
**Subject:** Re: For DG approval ----- Re: Fw: MT512 - outstanding piecesforQs&As and list of active cases

My apologies Lynn - I now see your 2nd email with the DG approved version of the one-pager. So nothing further is needed. Thanks for all of your help, and have a good night.

Michael

>>> Lynn Hurtubise <Lynn.Hurtubise@aadnc-aandc.gc.ca> 6/6/2017 4:04 PM >>>  
Wasn't this 1 of the 2 emails I just sent you? So you had 3 docs to have approved?

Sent from my BlackBerry 10 smartphone.

**From:** Michael Morabito  
**Sent:** Tuesday, June 6, 2017 6:56 PM  
**To:** Lynn Hurtubise  
**Subject:** Re: For DG approval ----- Re: Fw: MT512 - outstanding pieces forQs&As and list of active cases

I submitted the attached one-pager to you via separate email yesterday (after we sent the BC List to you) as the Minister Trip group requested this one-pager after we had submitted the list to you.

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*Released under the Access  
to Information Act*

*Communiqué en vertu de la  
Loi sur l'Accès à  
l'information*

Michael

**From:** Michael Morabito  
**To:** MinTripsMeetings  
**CC:** Feroza Pirmohamed; James Moxon; Philippe Robert; kamal.monga@canada.ca  
**Date:** 6/6/2017 4:15 PM  
**Subject:** Re: Fwd: MT512 - outstanding pieces for Qs&As and list of active cases  
**Attachments:** VANCOUVR-#3641423-v1-SUMMARY\_OF\_BC\_LITIGATION\_  
\_TO\_COVER\_THE\_LIST\_OF\_KEY\_ACTIVE\_BC\_CASES.DOCX

Further to my email below, and as per your request, attached is the brief summary of litigation in BC to accompany the unclassified list of BC cases. This brief summary has been approved by our DG of LMRB.

Michael

>>> Michael Morabito 6/6/2017 3:52 PM >>>

Hello - as per your request, attached is an unclassified version of LMRB's List of Key Active Cases in British Columbia. This List has been approved by our DG of LMRB.

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Horizontal Coordination - Ministerial Trips and Meetings |  
Coordination horizontale - Voyages et réunions ministériels  
Corporate Secretariat | Secrétariat du Ministère

>>> MinTripsMeetings 6/5/2017 9:03 AM >>>

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**Pages 97 to / à 136**  
**are not relevant**  
**sont non pertinentes**